



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Tuesday, 16 February 2021**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Bills .....	5235
Liquor Amendment (24-hour Economy) Bill 2020 .....	5235
Appropriation Bill 2020 .....	5235
Appropriation (Parliament) Bill 2020 .....	5235
Payroll Tax Amendment Bill 2020 .....	5235
Electricity Infrastructure Investment Bill 2020 .....	5235
Assent .....	5235
Governor .....	5235
Administration of the Government .....	5235
Bills .....	5235
Electricity Infrastructure Investment Bill 2020 .....	5235
Messages .....	5235
Appropriation (Parliament) Bill 2020 .....	5235
Messages .....	5235
Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020 .....	5235
Messages .....	5235
Announcements .....	5237
The Hon. Elisabeth Kirkby, OAM, Former Member of the Legislative Council .....	5237
Documents .....	5239
Roundtable on Returns to Order .....	5239
Presiding Officers .....	5239
President of the Legislative Council .....	5239
Intention to Resign .....	5239
Announcements .....	5239
Parliamentary Engagement Strategy and Appointments .....	5239
Rotary Centenary .....	5239
Documents .....	5239
Parliamentary Departments .....	5239
Reports .....	5239
Inspector of Custodial Services .....	5239
Reports .....	5239
Children's Guardian .....	5240
Reports .....	5240
Inspector of the Independent Commission Against Corruption .....	5240
Reports .....	5240
Independent Commission Against Corruption .....	5240
Reports .....	5240
Law Enforcement Conduct Commission .....	5240
Reports .....	5240
Information and Privacy Commission .....	5241

## TABLE OF CONTENTS—*continuing*

Reports .....	5241
Ombudsman .....	5241
Reports .....	5241
Ageing and Disability Commission .....	5241
Reports .....	5241
Committees .....	5241
Committee on Children and Young People .....	5241
Report: 2020 Review of the Annual Reports and Other Matters of the Office of the Advocate for Children and Young People .....	5241
Motions .....	5241
Farm Gate Counselling Services .....	5241
Department of Primary Industries .....	5242
Hunter Business Awards .....	5242
Together for Humanity .....	5243
Ambassador of France to Australia .....	5243
Documents .....	5243
Tabling of Papers .....	5243
Tabled Papers not Ordered to be Printed .....	5244
Committees .....	5244
Legislation Review Committee .....	5244
Reports .....	5244
Selection of Bills Committee .....	5244
Reports .....	5244
Documents .....	5244
Auditor-General .....	5244
Reports .....	5244
Committees .....	5245
Portfolio Committee No. 2 - Health .....	5245
Report: Current and Future Provision of Health Services in South-West Sydney Growth Region .....	5245
Visitors .....	5245
Visitors .....	5245
Committees .....	5245
Portfolio Committee No. 6 - Transport and Customer Service .....	5245
Report: Operation of Point to Point Transport (Taxis and Hire Vehicles) Act 2016 .....	5245
Portfolio Committee No. 4 - Industry .....	5245
Report: The Use of Exotic Animals in Circuses and Exhibition of Cetaceans in New South Wales .....	5245
Portfolio Committee No. 3 - Education .....	5246
Report: Future Development of the NSW Tertiary Education Sector .....	5246
Public Accountability Committee .....	5246
Report: Budget Process for Independent Oversight Bodies and the Parliament of New South Wales - Final Report .....	5246
Select Committee on Animal Cruelty Laws in New South Wales .....	5246

## TABLE OF CONTENTS—*continuing*

Government Response .....	5246
Portfolio Committee No. 7 - Planning and Environment .....	5246
Government Response: Koala Populations and Habitat in New South Wales .....	5246
Portfolio Committee No. 5 - Legal Affairs .....	5246
Government Response: Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020 .....	5246
Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission .....	5247
Government Response: 2020 Review of the Annual Reports of Oversighted Bodies .....	5247
Documents .....	5247
Transdev Ferry Contract .....	5247
Return to Order .....	5247
Claim of Privilege .....	5247
Floodplain Harvesting .....	5247
Return to Order .....	5247
Claim of Privilege .....	5247
Return to Order .....	5247
Claim of Privilege .....	5247
Newcastle Education Precinct .....	5247
Return to Order .....	5247
Claim of Privilege .....	5247
Redacted Documents Claim of Privilege .....	5248
Renewable Energy Zones .....	5248
Return to Order .....	5248
Revenue NSW .....	5248
Return to Order .....	5248
Claim of Privilege .....	5248
Claim of Privilege .....	5248
Park'nPay App .....	5248
Return to Order .....	5248
Claim of Privilege .....	5248
Councillor Antoine Doueihi .....	5248
Claim of Privilege .....	5248
Daryl Maguire, Former Member for Wagga Wagga .....	5248
Further Return to Order .....	5248
Claim of Privilege .....	5249
School Infrastructure .....	5249
Return to Order .....	5249
Claim of Privilege .....	5249
Intercity Fleet .....	5249
Return to Order .....	5249
Claim of Privilege .....	5249
Return to Order .....	5249

## TABLE OF CONTENTS—*continuing*

Claim of Privilege.....	5249
Dubbo Bridge Project .....	5249
Return to Order .....	5249
Claim of Privilege.....	5249
Return to Order .....	5249
Claim of Privilege.....	5250
Parramatta Light Rail.....	5250
Return to Order .....	5250
Claim of Privilege.....	5250
Return to Order .....	5250
Claim of Privilege.....	5250
Return to Order .....	5250
Fast Rail Network Strategy.....	5250
Return to Order .....	5250
Claim of Privilege.....	5250
Correspondence .....	5250
Western Sydney Aerotropolis.....	5250
Return to Order .....	5250
Claim of Privilege.....	5251
Return to Order .....	5251
Claim of Privilege.....	5251
Noetic Bushfire Reports .....	5251
Return to Order .....	5251
Claim of Privilege.....	5251
Building and Construction Industry.....	5251
Return to Order .....	5251
Dam Infrastructure.....	5251
Return to Order .....	5251
Claim of Privilege.....	5251
Claim of Privilege.....	5251
Daryl Maguire, Former Member for Wagga Wagga .....	5251
Further Return to Order .....	5251
Claim of Privilege.....	5252
Community Funds and Grants .....	5252
Return to Order .....	5252
Claim of Privilege.....	5252
Warragamba Dam Wall .....	5252
Return to Order .....	5252
Claim of Privilege.....	5252
Rodd Staples .....	5252
Return to Order .....	5252
Claim of Privilege.....	5252

## TABLE OF CONTENTS—*continuing*

Claim of Privilege Waived .....	5252
Correspondence .....	5252
SafeWork NSW .....	5252
Further Return to Order .....	5252
Claim of Privilege.....	5253
School Infrastructure NSW.....	5253
Return to Order .....	5253
Delivery Employees Workers Compensation.....	5253
Return to Order .....	5253
Claim of Privilege.....	5253
Greyhound Racing NSW .....	5253
Correspondence .....	5253
Return to Order .....	5253
Powerhouse Parramatta .....	5253
Return to Order .....	5253
Claim of Privilege.....	5253
State Budget.....	5254
Return to Order .....	5254
Claim of Privilege.....	5254
Claim of Privilege.....	5254
Budget Finances.....	5254
Return to Order .....	5254
Claim of Privilege.....	5254
Return to Order .....	5254
Redacted Documents Claim of Privilege.....	5254
State Budget and Jobs.....	5254
Return to Order .....	5254
Claim of Privilege.....	5254
Koala Regulations.....	5254
Return to Order .....	5254
Claim of Privilege.....	5255
NSW Police Force .....	5255
Correspondence .....	5255
Community Funds and Grants .....	5255
SafeWork NSW .....	5255
Powerhouse Parramatta .....	5255
Correspondence .....	5255
Dubbo Bridge Project .....	5255
Koala Regulations.....	5255
Correspondence .....	5255
School Infrastructure NSW.....	5255
Dispute of Claim of Privilege .....	5255

## TABLE OF CONTENTS—*continuing*

Claim of Privilege Waived .....	5255
Daryl Maguire, Former Member for Wagga Wagga .....	5256
Dispute of Claim of Privilege .....	5256
Report of Independent Legal Arbiter .....	5256
Daryl Maguire, Former Member for Wagga Wagga .....	5256
Dispute of Claim of Privilege .....	5256
Report of Independent Legal Arbiter .....	5256
State Budget .....	5256
Dispute of Claim of Privilege .....	5256
Report of Independent Legal Arbiter .....	5256
Newcastle Education Precinct .....	5256
Dispute of Claim of Privilege .....	5256
Report of Independent Legal Arbiter .....	5256
Rodd Staples .....	5257
Dispute of Claim of Privilege .....	5257
Report of Independent Legal Arbiter .....	5257
Daryl Maguire, Former Member for Wagga Wagga .....	5257
Dispute of Claim of Privilege .....	5257
Report of Independent Legal Arbiter .....	5257
Dam Infrastructure .....	5257
Dispute of Claim of Privilege .....	5257
Wages Policy Taskforce .....	5257
Dispute of Claim of Privilege .....	5257
State Budget .....	5257
Dispute of Claim of Privilege .....	5257
Report of Independent Legal Arbiter .....	5258
Parramatta Light Rail .....	5258
Dispute of Claim of Privilege .....	5258
Petitions .....	5258
Responses to Petitions .....	5258
Business of the House .....	5258
Postponement of Business .....	5258
Members .....	5258
Parliamentary Secretaries .....	5258
Questions Without Notice .....	5258
Covid Intensive Learning Support Program .....	5258
National Apology .....	5259
COVID-19 and Preschools .....	5260
Kosciuszko National Park Wild Horse Management .....	5261
FASTStream Program .....	5261
Electricity Infrastructure Roadmap .....	5262
Intensive Support Teachers .....	5262



## TABLE OF CONTENTS—*continuing*

i4Give Day .....	5263
Severe Acute Respiratory Syndrome .....	5264
Powerhouse Parramatta .....	5265
COVID-19 and Business Confidence .....	5265
Renewable Energy .....	5266
Indigenous Artefacts .....	5266
State Heritage Register .....	5267
Hunter, Central Coast and Illawarra Renewable Energy Zones .....	5267
Mental Health Services .....	5268
Regional Education .....	5268
Intensive Support Teachers .....	5269
Supplementary Questions for Written Answers .....	5269
Intensive Support Teachers .....	5269
Electricity Infrastructure Roadmap .....	5269
Questions Without Notice: Take Note .....	5270
Take Note of Answers to Questions .....	5270
Intensive Support Teachers .....	5270
Intensive Support Teachers .....	5270
Hunter, Central Coast and Illawarra Renewable Energy Zones .....	5270
COVID-19 and Business Confidence .....	5271
Intensive Support Teachers .....	5271
Powerhouse Parramatta .....	5271
i4Give Day .....	5272
i4Give Day .....	5272
Mental Health Services .....	5272
State Heritage Register .....	5272
National Apology .....	5273
Take Note of Answers to Questions .....	5273
Deferred Answers .....	5274
Riverina Conservatorium of Music .....	5274
Australian Citizens in South Africa .....	5274
Exclusion Fencing .....	5274
Q Fever .....	5274
Daryl Maguire, Former Member for Wagga Wagga .....	5275
Rural Land Use Strategy .....	5275
Energy Policy .....	5275
Food Labelling .....	5275
Warragamba Dam Wall .....	5275
Murwillumbah East Public School .....	5276
Daryl Maguire, Former Member for Wagga Wagga .....	5276
COVID-19 and Family Support .....	5276
Port Stephens Koala Habitat .....	5277

## TABLE OF CONTENTS—*continuing*

Male Educators .....	5277
Heat-Smart Schools .....	5277
Child Care Centres and Child Sex Offences.....	5278
State Environmental Planning Policy (Koala Habitat Protection).....	5278
Griffith Schools Merger.....	5278
Berry Patch Childcare Centre .....	5278
Rail Assets .....	5279
Early Childhood Centres and Cot Death.....	5279
Native Animals .....	5279
Aboriginal Students .....	5280
The Hon. Gladys Berejiklian and Daryl Maguire, the Former Member for Wagga Wagga .....	5280
Public School Infrastructure .....	5280
State Budget and Efficiency Dividend .....	5280
State Budget and Grants Indexation .....	5280
Magpie Management .....	5281
Department of Energy and Environment .....	5281
Point to Point Transport Hardship Fund .....	5281
New South Wales-Victoria Border Closure.....	5281
Cultural Institution Opening Hours .....	5281
State Records .....	5282
State Records .....	5282
Native Forest Logging .....	5282
Energy Policy.....	5282
Government Cabinet Process.....	5283
Springwood High School Temperature Data.....	5283
Globe Wilkins Preschool .....	5283
The Hon. Don Harwin and Kent Johns.....	5283
Grampians National Park Dingoes .....	5283
Compulsory Land Acquisition.....	5284
Marine Sanctuary Zones .....	5284
Marine Sanctuary Zones .....	5284
COVID-19 and Agriculture .....	5284
Committees .....	5285
Standing Committee on Law and Justice.....	5285
Government Response: 2018 Review of the Workers Compensation Scheme .....	5285
Business of the House.....	5286
Postponement of Business .....	5286
Committees .....	5286
Portfolio Committee No. 5 - Legal Affairs.....	5286
Report: Road Transport Amendment (Mobile Phone Detection) Bill 2019 .....	5286
Business of the House.....	5287
Postponement of Business .....	5287

## TABLE OF CONTENTS—*continuing*

Committees .....	5287
Portfolio Committee No. 4 - Industry.....	5287
Report: Implementation of the Recommendations of the Chief Scientist's Independent Review of Coal Seam Gas Activities in NSW .....	5287
Business of the House.....	5287
Postponement of Business .....	5287
Committees .....	5287
Portfolio Committee No. 1 - Premier and Finance .....	5287
Report: Work Health and Safety Amendment (Review) Bill 2019 .....	5287
Standing Committee on State Development.....	5291
Report: Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 .....	5291
Standing Committee on Social Issues.....	5291
Report: Modern Slavery Act 2018 and Associated Matters .....	5291
Portfolio Committee No. 6 - Transport and Customer Service .....	5293
Report: Sydenham-Bankstown Line Conversion .....	5293
Standing Committee on State Development.....	5294
Reference .....	5294
Standing Committee on Law and Justice.....	5295
Extension of Reporting Date .....	5295
Portfolio Committee No. 5 - Legal Affairs.....	5295
Extension of Reporting Date .....	5295
Public Accountability Committee.....	5295
Reference .....	5295
Portfolio Committee No. 7 - Planning and Environment .....	5296
Extension of Reporting Date .....	5296
Presiding Officers .....	5296
President of the Legislative Council.....	5296
Dissent .....	5296
Matter of Public Importance.....	5296
Public Sector Wages .....	5296
Bills .....	5307
Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020.....	5307
In Committee .....	5307
Adoption of Report .....	5310
Messages .....	5310
Warnervale Airport (Restrictions) Repeal Bill 2020 .....	5310
Second Reading Speech.....	5310
Second Reading Debate.....	5313
In Committee .....	5319
Adoption of Report .....	5321
Third Reading .....	5321
Adjournment Debate.....	5321

## TABLE OF CONTENTS—*continuing*

Adjournment .....	5321
Aboriginal Procurement Policy .....	5321
Road Tolls .....	5322
Crown Resorts .....	5323
Tribute to the Rt Hon. Doug Anthony, AC, Former Leader of the National Party and Deputy Prime Minister of Australia .....	5323
Tribute to Chris Murphy .....	5323
Hawkesbury Region.....	5324
Koala Populations and Habitat .....	5325

# LEGISLATIVE COUNCIL

**Tuesday, 16 February 2021**

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 14:30.

**The PRESIDENT** read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

## *Bills*

### **LIQUOR AMENDMENT (24-HOUR ECONOMY) BILL 2020**

#### **APPROPRIATION BILL 2020**

#### **APPROPRIATION (PARLIAMENT) BILL 2020**

#### **PAYROLL TAX AMENDMENT BILL 2020**

#### **ELECTRICITY INFRASTRUCTURE INVESTMENT BILL 2020**

### **Assent**

**The PRESIDENT:** I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

## *Governor*

### **ADMINISTRATION OF THE GOVERNMENT**

**The PRESIDENT:** I report receipt of messages regarding the administration of the Government.

## *Bills*

### **ELECTRICITY INFRASTRUCTURE INVESTMENT 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.

### **APPROPRIATION (PARLIAMENT) BILL 2020**

### **Messages**

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having considered the message dated 25 November 2020 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Appropriation (Parliament) Bill 2020, informs the Legislative Council that the Legislative Assembly disagrees with the amendments and further that pursuant to section 5A of the Constitution Act 1902 it proposes to forthwith present the bill together with the Appropriation Bill and cognate Payroll Tax Amendment Bill to Her Excellency the Governor for royal assent.

Legislative Assembly  
27 November 2020

JONATHAN O'DEA  
Speaker

### **STRATA SCHEMES MANAGEMENT AMENDMENT (SUSTAINABILITY INFRASTRUCTURE) BILL 2020**

### **Messages**

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having considered the message dated 25 August 2020 in which the Legislative Council requested the concurrence of the Legislative Assembly with an amendment to the Strata Schemes Management Amendment (Sustainability Infrastructure) Bill, informs the Legislative Council that the Legislative Assembly disagrees with amendment No. 1 because the amendment was not subject to consultation with the New South Wales strata community and only provides for one factor to be taken into account when deciding what is a reasonable prohibition on the keeping of an animal while failing to consider other important and relevant factors.

Accordingly, the Legislative Assembly proposes the following further amendments:

**No 1 Keeping of animals**

Page 2, clause 2. Insert after line 7—

- (1A) Schedule 1[5A] commences on whichever of the following occurs first—
- (a) a day or days to be appointed by proclamation, or
  - (b) the date that is 6 months after the date of assent to this Act.

**No 2 Keeping of animals**

Page 4, Schedule 1. Insert after line 12—

**[5A] Section 137B**

Insert after section 137A—

**137B Keeping of animals**

- (1) Each of the following has no force or effect to the extent that it would unreasonably prohibit the keeping of an animal on a lot—
  - (a) a by-law,
  - (b) a decision by an owners corporation under a by-law.
- (2) It is taken to be reasonable to keep an animal on a lot unless the keeping of the animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property.
- (3) The regulations may specify circumstances in which the keeping of an animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property.
- (4) A by-law that prohibits the keeping of an animal on a lot is not harsh, unconscionable or oppressive if it does not unreasonably prohibit the keeping of an animal on a lot.  
**Note.** Section 150(1) provides that the Tribunal may declare a by-law to be invalid if it is harsh, unconscionable or oppressive.
- (5) An owners corporation is taken to have given permission for the keeping of an animal on a lot if—
  - (a) it made a decision about the keeping of the animal in contravention of subsection (1)(b), or
  - (b) a decision of the owners corporation is required before the animal may be kept on the lot and the owners corporation failed to make a decision within a reasonable time.
- (6) If a report has been tabled in Parliament under section 276A, the Minister must not recommend the making of a regulation under this section unless the Minister has considered the report.
- (7) Subsection (6) is repealed 5 years after the commencement of this section.

**No 3 Keeping of animals**

Page 5, Schedule 1. Insert after line 20—

**[13A] Section 276A**

Insert after section 276—

**276A Review of keeping of animals**

- (1) The Minister is to review this Act as it relates to the keeping of animals on lots in strata schemes, including by addressing the following matters—
  - (a) the circumstances in which it is reasonable to prohibit the keeping of animals,
  - (b) the impacts of kept animals on the health and wellbeing of residents,
  - (c) the barriers faced by residents in the keeping of animals and by persons who require assistance animals, including vulnerable persons,  
**Example.** Persons fleeing domestic violence.
  - (d) the welfare of kept animals,
  - (e) how to limit any adverse impacts of kept animals on common property, including the adequacy of existing laws to deal with this,
  - (f) to resolve disputes about the keeping of animals,

- (g) the effects of a change to the by-laws for a scheme that prohibits the keeping of an animal that was lawfully kept on a lot before the change.
- (2) The review is to be undertaken as soon as possible after the commencement of this section.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the commencement of this section.

And the Legislative Assembly requests the concurrence of the Legislative Council in its proposed amendments.

Legislative Assembly  
9 February 2021

JONATHAN O'DEA  
Speaker

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

That consideration of the message be set down as an order of the day for a later hour.

**Motion agreed to.**

#### *Announcements*

#### **THE HON. ELISABETH KIRKBY, OAM, FORMER MEMBER OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT (14:33):** This afternoon I welcome into my gallery former member the Hon. Elisabeth Kirkby, OAM, together with Deborah and Laurence Eastwood, Rob Llewellyn-Jones, Lindsey Handley and Emma Llewellyn-Jones. I also acknowledge the family members and former colleagues of Dr Kirkby and former members of the Legislative Council who are watching these proceedings live from the Jubilee Room. Dr Kirkby is here with us following a luncheon I hosted this afternoon to celebrate the occasion of her 100th birthday.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (14:34):** By leave: Welcome, Lis. For the benefit of members who perhaps are of an age younger than I am and who would not remember Lis as well as I and other members of the Chamber do, may I say, Lis, that your presence here is greatly appreciated. It has been wonderful that you have been able to come here today. The Hon. Lis Kirkby served in this House from 1981 to 1998. She was one of those very rare creatures—a member of the Australian Democrats who was elected to this Parliament, and she was leader of the Democrats during that period. From 1988 she held the balance of power with her colleague Richard Jones, and again during the mid-1990s before she left in 1998. She was a beacon for so many issues that were important to so many people.

She sometimes worries that she did not achieve enough; but, like all good upper House members—in particular those from the Australian Democrats—she was about improving government legislation and sanding off some of the rough edges as well as highlighting important issues, where she was a forerunner of things to come. Again for those who would not know, before then Lis had a wonderful career in the media. She worked for the ABC and then she was an actress. She starred in such dramas as *Riptide*, *The Rovers*, *Hunter*, *Homicide* and *The Group*, but I think most people will always remember her as Lucy Sutcliffe in the naughty and saucy *Number 96*. It was so saucy I was not allowed to watch it when I was young. Lis, you are an iconic figure in the arts and you are an adornment to our Chamber. We are so pleased to have had the opportunity to celebrate your life and your legacy today.

**The PRESIDENT:** On behalf of all honourable members I take this opportunity to welcome the Hon. John Dowd, QC, a former Attorney General, and the Hon. Amanda Fazio, who not only is a former member but also is one of my predecessors, a former President of the Legislative Council. You are most welcome.

**The Hon. ADAM SEARLE (14:37):** By leave: I rise to associate my side of the Chamber, the Opposition Labor Party, with the comments made by the Leader of the Government. We welcome Lis Kirkby back to the Chamber and to her family extend our warm appreciation for your presence. While I was too young to appreciate Lis's work on television and in fact was unaware of it until I came to work here in the mid-1990s, of course that is a large part of the work that she has given our community. When I came here to work in 1994 and I was here until 2000, I saw firsthand the important and pivotal work of crossbench members in this Chamber in particular. Much of the learning and knowledge that I have had to rely upon in day-to-day business in this Chamber I learnt from Ms Kirkby and her colleagues on the crossbench. Again I thank her for that tutelage and again welcome her. We join with you and your family in celebrating your 100 years.

**Mr DAVID SHOEBRIDGE (14:38):** By leave: I speak on behalf of NSW Greens. I do not pretend to speak on behalf of the whole crossbench but as a crossbench member I indicate my personal indebtedness to the work that the honourable member did in this Chamber. It was a novel path for a crossbench member from a smaller party—a path that was difficult—and there was no road map for it. When I looked to where a conscience was being exercised in State politics at the time, from my observation there were some Independent members in the

other place and there was the Hon. Elisabeth Kirkby in this place—exercising conscience and politics of principle, caring about issues of the day, and bringing issues to the Chamber that neither of the major parties would do. I honour that record. I appreciate the service. And I cannot believe you are 100!

**Reverend the Hon. FRED NILE (14:39):** By leave: I wish to associate myself with the remarks concerning the Hon. Dr Elisabeth Kirkby, OAM. We were both elected in 1981, which was a big shock to Mr Wran and a decision he would have liked to repeal. He gave an emotional speech in the Legislative Assembly on that subject. I am very pleased that Elisabeth is with us today and is going strong at 100 years of age.

**The Hon. MARK LATHAM (14:40):** By leave: Can I say, Liz, that you are a much loved figure. I grew up in Green Valley, where all the kids loved to watch *Number 96*—there was no censorship and no restriction. Us Housos were into it big time and we loved your role and everyone in the show; it was a real eye-opener at the time. Recently I was talking about the show and mentioned to my mum—who turns 87 later this month—you were a former member of this place. She was very excited that you had gone on to a career in politics. We do not have a Don Finlayson or an Abigail—we do have an Abigail here, but not that kind of Abigail—but your role on *Number 96* set you up nicely for dealing with all the characters in this Chamber. I can let you know that the role of the Australian Democrats is admired by those on the crossbench and many of us still believe in "keeping the bastards honest".

**The Hon. ROBERT BORSACK (14:41):** By leave: On behalf of the Fishers, Shooters and Farmers Party I associate myself and our party with all of the previous comments. My mother used to watch *Number 96*, and she is 92 years old. I used to watch it as well and it was a little bit titillating for the young me in those days. Unlike the Hon. Don Harwin, I was allowed to watch it—although I am a little older than he is. The work that the Australian Democrats did in this place was groundbreaking, but I am repeating what has been said. These days we are seeing a very diverse and active crossbench and we have seen significant additions to the powers of this House. That process will continue while we have the sort of crossbench that we have in the upper House. The Australian Democrats came first—and you especially amongst them. I honour you and thank you very much for your service.

**The PRESIDENT (14:42):** The Hon. Dr Elisabeth Kirkby, OAM, has lived a full and rich life, achieving milestone after milestone. On 26 January 2021 she reached another, her 100th birthday. Dr Kirkby was born in Bolton in the United Kingdom and became an actor. A true Bolton Wanderer, she worked in the theatre in Manchester, Birmingham and Liverpool, with Shakespearean roles being a favourite. She also worked in radio in Malaysia and then came to Australia in 1965. Dr Kirkby's successful acting career continued in Australia. She was best known to the public for her role in the television series *Number 96*. Behind the scenes she was a prominent activist for actors' rights, particularly those of women. Always a concerned, compassionate citizen, Dr Kirkby was drawn to politics. In 1981 she was elected an Australian Democrats member of the Legislative Council and was State parliamentary leader of the party from 1981 to 1998. She and Reverend the Hon. Fred Nile were the first crossbench MLCs to be elected.

It was the beginning of a period of momentous change for this House, and Dr Kirkby was at the forefront of many of the major developments. To mention a few: the development of the standing committees, the establishment of the general purpose committees, the Egan cases, and the reconstitution of the Legislative Council in the 1990s. Dr Kirkby was a long-serving, committed member of the Standing Committee on Social Issues and played a key part in numerous inquiries. As one of the first crossbenchers, Dr Kirkby faced many challenges. With limited resources, but highly effective staff, she had to master the forms of the House and examine a vast variety of legislation. She also faced the challenge of being one of the few women in Parliament at the time. In spite of these initial obstacles, Dr Kirkby went on to have a distinguished, productive and influential career in the House.

As honourable members would be aware, the Legislative Council has in recent years conducted an extensive oral history program. One thing that emerges clearly from those interviews is the universal respect in which Dr Kirkby was held. As a parliamentarian, Dr Kirkby was noted for her dedication, industry and the breadth and depth of her contributions. Memorably, she was a key contributor to the debate on the Greiner Government's industrial relations reform legislation, during which over 300 successful amendments were moved. After leaving the Legislative Council in 1998, Dr Kirkby continued to be active in many areas. She was a member of the New South Wales Judicial Commission, the Administrative Decisions Tribunal and the International Commission of Jurists, and she was a Temora Shire councillor for five years. Dr Kirkby also successfully completed a doctorate in history. In conclusion, on behalf of honourable members past and present and the staff of the Legislative Council, can I say to you Dr Kirkby, congratulations on your unbeaten century and long may your innings continue.



*Documents***ROUNDTABLE ON RETURNS TO ORDER**

**The PRESIDENT (14:46):** Further to the resolution of the House of Wednesday 16 September 2020 and my statement in the House on Tuesday 10 November 2020 regarding the roundtable meeting convened on Tuesday 3 November 2020 to discuss returns to order, I table a report entitled *Report of the Roundtable meeting to consider aspects of the operation of Standing Order 52*, dated February 2021.

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

That the report be printed.

**Motion agreed to.**

*Presiding Officers***PRESIDENT OF THE LEGISLATIVE COUNCIL****Intention to Resign**

**The PRESIDENT (14:46):** I wish to inform honourable members that it is my intention to resign from the position of President of this House on Wednesday 24 March 2021 and as a member of the Legislative Council on Wednesday 31 March 2021. Arrangements have been made for my resignation as President to occur prior to the House sitting on 24 March 2021 so that the first item of business on that day will be the election of a new President. It has been a profound honour and privilege to serve as your President. I thank each and every one of you who have been in contact to express your good wishes since my intentions were reported. I look forward to reflecting on my parliamentary career during a valedictory speech on either 24 March or 25 March 2021.

*Announcements***PARLIAMENTARY ENGAGEMENT STRATEGY AND APPOINTMENTS**

**The PRESIDENT (14:47):** The Parliament has recently released a new Communications, Engagement and Education Strategy aimed at strengthening engagement with the public and enhancing trust in the Parliament. A copy of the strategy has been sent to all members. To lead this work over the next six months the Department of Parliamentary Services has appointed Lisa Thomas, Director, Communications, Engagement and Education. The Parliament has also seconded Steven Collins from the Public Service Commission to the important role of Aboriginal Liaison Officer to work with members and the administration on engagement with Indigenous communities. I welcome both of them to the Chamber.

**ROTARY CENTENARY**

**The PRESIDENT (14:48):** Rotary celebrates 100 years in Australia and New Zealand this year. Australia is the tenth largest Rotary country, with over 25,000 members belonging to more than 1,000 clubs. I acknowledge Mr Garry Browne, AM, Chair of the Centenary of Rotary in Australia, and his team for all of their efforts in highlighting this special occasion. May the good work of Rotary continue for many centuries to come.

*Documents***PARLIAMENTARY DEPARTMENTS****Reports**

**The PRESIDENT:** According to the resolution of the House of 18 November 2020, I announce receipt of the following reports, received out of session and authorised to be printed on 23 December 2020:

- (1) Report of the Department of the Legislative Council for year ended 30 June 2020.
- (2) Report of the Department of Parliamentary Services for year ended 30 June 2020.
- (3) Report of Parliament of New South Wales—Financial Performance 2019-2020.

**INSPECTOR OF CUSTODIAL SERVICES****Reports**

**The PRESIDENT:** According to the Inspector of Custodial Services Act 2012, I table the following reports of the Inspector for Custodial Services:

- (1) Report of the Inspector of Custodial Services entitled *Inspection of Cooma Correctional Centre*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.

- (2) Report of Inspector of Custodial Services entitled *Inspection of Macquarie Correctional Centre and Hunter Correctional Centre*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.
- (3) Report of Inspector of Custodial Services entitled *Inspection of Oberon Correctional Centre*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.
- (4) Report of the Inspector of Custodial Services entitled *Inspection of Six Youth Justice Centres in NSW*, dated December 2020, received out of session and authorised to be made public on 15 December 2020.
- (5) Report of Inspector of Custodial Services entitled *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.

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

That the reports be printed.

**Motion agreed to.**

## CHILDREN'S GUARDIAN

### Reports

**The PRESIDENT:** According to the Children and Young Persons (Care and Protection) Act 1998 and the Children's Guardian Act 2019, I table the report of the Children's Guardian for year ended 30 June 2020, received out of session and authorised to be made public on 30 November 2020.

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

That the report be printed.

**Motion agreed to.**

## INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Reports

**The PRESIDENT:** According to the Independent Commission Against Corruption Act 1988, I table the report of the Office of the Inspector of the Independent Commission Against Corruption entitled *Report pursuant to sections 57B (5) and 77A of the Independent Commission Against Corruption Act 1988 determining a complaint by Mr Arthur Moses SC on behalf of the Hon. Gladys Berejiklian MP against the Commission*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.

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

That the report be printed.

**Motion agreed to.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Reports

**The PRESIDENT:** According to the Independent Commission Against Corruption Act 1988, I table the report of the Independent Commission Against Corruption entitled *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*, dated November 2020, received out of session and authorised to be made public on 27 November 2020.

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

That the report be printed.

**Motion agreed to.**

## LAW ENFORCEMENT CONDUCT COMMISSION

### Reports

**The PRESIDENT:** According to the Law Enforcement Conduct Commission Act 2016, I table the following reports:

- (1) Report of the Law Enforcement Conduct Commission entitled *Inquiry into NSW Police Force strip search practices*, dated December 2020, received out of session and authorised to be made public on 15 December 2020.
- (2) Report of the Law Enforcement Conduct Commission entitled *Operation Coolum*, dated November 2020, received out of session and authorised to be made public on 30 November 2020.
- (3) Supplementary report of the Law Enforcement Conduct Commission entitled *Operation Tabarca*, dated December 2020, received out of session and authorised to be made public on 15 December 2020.

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

That the reports be printed.

**Motion agreed to.**

## INFORMATION AND PRIVACY COMMISSION

### Reports

**The PRESIDENT:** According to the Government Information (Information Commissioner) Act 2009 and Privacy and Personal Information Protection Act 1998, I table the report of the Information and Privacy Commission NSW for year ended 30 June 2020, received out of session and authorised to be made public on 30 November 2020.

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

That the report be printed.

**Motion agreed to.**

## OMBUDSMAN

### Reports

**The PRESIDENT:** I table the following reports:

- (1) Ombudsman Act 1974—Special Report of the Ombudsman entitled *An inherent conflict of interest: councils as developer and regulator*, dated 15 December 2020, received out of session and authorised to be made public on 15 December 2020.
- (2) Public Interest Disclosures Act 1994—Report of the Ombudsman entitled *Oversight of the Public Interest Disclosures Act 1994, Annual Report 2019-2020*, dated 15 December 2020, received out of session and authorised to be made public on 15 December 2020.

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

That the reports be printed.

**Motion agreed to.**

## AGEING AND DISABILITY COMMISSION

### Reports

**The PRESIDENT:** According to the Ageing and Disability Commissioner Act 2019 and the Children's Guardian Act 2019, I table the report of the Official Community Visitors for year ended 30 June 2020, received out of session and authorised to be made public on 15 December 2020.

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

That the report be printed.

**Motion agreed to.**

### Committees

## COMMITTEE ON CHILDREN AND YOUNG PEOPLE

### Report: 2020 Review of the Annual Reports and Other Matters of the Office of the Advocate for Children and Young People

**The PRESIDENT:** I announce receipt of a response from the Office of the Advocate for Children and Young People to report No. 1/57 of the Committee on Children and Young People entitled *2020 Review of the Annual Reports and other matters of the Office of the Advocate for Children and Young People*, dated June 2020, received out of session and authorised to be made public this day.

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

That the report be printed.

**Motion agreed to.**

### Motions

## FARM GATE COUNSELLING SERVICES

**The Hon. SAM FARRAWAY (14:51):** I move:

- (1) That this House acknowledges that:
  - (a) the impact of ongoing drought, compounded by devastating bushfires and the COVID-19 pandemic, is weighing heavily on our rural communities;
  - (b) the Government has extended the farm gate counsellor program with an additional 13 farm gate counsellors, bringing the total number to 27; and
  - (c) drought support workers, often called "farm gate counsellors", provide specialised counselling services which are crucial to rural communities.
- (2) That this House commends the Government for supporting our regional communities, particularly our farmers, during difficult times.

**Motion agreed to.**

#### **DEPARTMENT OF PRIMARY INDUSTRIES**

**The Hon. SAM FARRAWAY (14:51):** I move:

- (1) That this House notes that:
  - (a) the New South Wales Department of Primary Industries [DPI] has, since its creation in 1890, proudly served the people of New South Wales, establishing itself as a global leader in agriculture, fisheries, forestry management and biosecurity;
  - (b) on Tuesday, 3 November, DPI celebrated its 130-year history, and marked the occasion with a well-attended event at the new headquarters in Orange; and
  - (c) the economic contribution DPI makes to the Central West region and the opportunities it provides to local industries, local businesses and local people.
- (2) That this House thanks the Government for its commitment to the legacy of providing jobs and opportunities for regional communities by starting a new chapter for DPI in Orange.

**Motion agreed to.**

#### **HUNTER BUSINESS AWARDS**

**The Hon. TAYLOR MARTIN (14:51):** I move:

- (1) That this House notes that:
  - (a) on Friday 20 November 2020, the Hunter Business Chamber held the 2020 Hunter Business Awards gala event at the Civic Theatre in Newcastle; and
  - (b) winners of awards included:
    - (i) COVID Business Hero: Jodi O'Connor, Ronnoco;
    - (ii) President's Award: Marty Adnum, Out of the Square;
    - (iii) Love Water Love Business: University of Newcastle and Cargill (joint winners);
    - (iv) Business Leader of the Year: Michael DiRienzo, Hunter New England Local Health District;
    - (v) Contribution to the Region: Newcastle Permanent Charitable Foundation;
    - (vi) Excellence in Business: Whiteley Corporation;
    - (vii) Excellence in Social Enterprise: BU Coaching;
    - (viii) Excellence in Sustainability: Port of Newcastle;
    - (ix) Excellence in Workplace Culture, Diversity & Inclusion: Hall & Wilcox;
    - (x) Kristen Keegan Young Business Leader: Elizabeth Napier Animal Referral & Emergency Centre;
    - (xi) Start Up Superstar: Next Legal Conveyancing;
    - (xii) Excellence in Import or Export: Whiteley Corporation;
    - (xiii) Excellence in Innovation & Adaptability: Ampcontrol;
    - (xiv) Excellence in Micro Business: CK Health;
    - (xv) Excellence in Small Business: Mara Consulting;
    - (xvi) Local Chamber of Commerce: Singleton Business Chamber; and
    - (xvii) Outstanding Young Entrepreneur: Jonathon Power.
- (2) That this House acknowledges the outstanding work of the Hunter Business Chamber and congratulates all winners of the 2020 Hunter Business Awards.

**Motion agreed to.**

**TOGETHER FOR HUMANITY**

**The Hon. NATALIE WARD (14:52):** I move:

That this House notes:

- (a) on Wednesday 18 November 2020 Together for Humanity, an inclusive educational organisation that works with school communities to foster intercultural understanding, held its 2020 Metro-Regional Inclusive Communities Youth Summit at NSW Parliament and virtually;
  - (b) the students were from Jewish, Muslim, Christian and secular backgrounds across New South Wales;
  - (c) the 2020 youth summit was live-streamed to schools and community leaders across New South Wales; with members of Parliament attending in person;
  - (d) students presented proposals for building and maintaining community harmony in the current COVID-19 climate, and fostering a more inclusive Australian society. The presentations were followed by an interactive question and answer session about inclusion to leaders in attendance; and
  - (e) among the attendees (including students and staff) were:
    - (i) Gawura School (co-educational K to year 6 school for Aboriginal and Torres Strait Islander children);
    - (ii) Arkana College;
    - (iii) Bankstown Girls High School;
    - (iv) Burwood Girls High School;
    - (v) Revesby Public School;
    - (vi) James Sheahan Catholic High School;
    - (vii) Catherine McAuley Catholic Primary School;
    - (viii) Glenroi Heights Public School;
    - (ix) Mr Jihad Dib, MP;
    - (x) the Hon. Natalie Ward, MLC;
    - (xi) the Hon. Bronnie Taylor, MLC, Minister for Mental Health, Regional Youth and Women;
    - (xii) the Hon. Sarah Mitchell, MLC, Minister for Education and Early Childhood Learning;
    - (xiii) Mr Phillip Donato, MP;
    - (xiv) the Hon. Andrew Gee, MP;
    - (xv) Rabbi Jacqui Ninio;
    - (xvi) Rev. Fr Dr Patrick McInerney;
    - (xvii) Imam Ibrahim Abdulla; and
    - (xviii) Together for Humanity staff and board members including Chair Mrs Chris McDiven, AM, and National Director Rabbi Zalman Kastel, AM.
- (2) That this House thanks Together for Humanity for hosting and facilitating the 2020 youth summit and for all the work the organisation continues to do in an effort to foster intercultural understanding in schools and Australian communities.

**Motion agreed to.**

**AMBASSADOR OF FRANCE TO AUSTRALIA**

**The Hon. NATALIE WARD (14:52):** I move:

- (1) That this House notes that:
- (a) His Excellency Mr Jean-Pierre Thebault has commenced his term as Ambassador of France to Australia;
  - (b) Mr Thebault is a senior French diplomat with decades of experience in foreign policy; including having previously served as Ambassador of France in Ireland, Ambassador for the preparation of France's G7 Presidency, and Consul General of France in Hong Kong; and
  - (c) Mr Thebault follows Mr Christophe Penot, who is now French Ambassador to the IndoPacific.
- (2) That this House welcomes His Excellency Mr Jean-Pierre Thebault to Australia and looks forward to our historic partnership.

**Motion agreed to.**

*Documents***TABLING OF PAPERS**

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

- (1) Report of the Government entitled *NSW Annual Report on Progress: Royal Commission into Institutional Responses to Child Sexual Abuse*, dated December 2020.
- (2) Report of the inquiry under section 143 of the Casino Control Act 1992 (NSW), dated 1 February 2021, volumes 1 and 2.
- (3) Response to resolution of the House of Wednesday 23 September 2020 by the Leader of the Government in the Legislative Council, providing a manufacturing projects update, dated 18 December, 2020.

I move:

That the documents be printed.

**Motion agreed to.**

### **TABLED PAPERS NOT ORDERED TO BE PRINTED**

**The Hon. DAMIEN TUDEHOPE:** According to Standing Order 59, I table a list of all papers tabled and not ordered to be printed since 10 November 2020.

#### *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Reports**

**The Hon. TREVOR KHAN:** I table the following reports:

- (1) Report of the Legislation Review Committee entitled *Legislation Review Digest No. 25/57*, dated 16 February 2021.
- (2) Report of the Legislation Review Committee entitled *Legislation Review Digest No. 26/57*, dated 16 February 2021.

I move:

That the reports be printed.

**Motion agreed to.**

### **SELECTION OF BILLS COMMITTEE**

#### **Reports**

**The Hon. NATASHA MACLAREN-JONES:** I table report No. 43 of the Selection of Bills Committee, dated 16 February 2021. I move:

That the report be printed.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee, I move:

- (1) That consideration of the Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour) Bill 2020 be deferred until the first meeting following the tabling of the report of the Joint Select Committee on Coercive Control.
- (2) That the following bills not be referred to a standing committee for inquiry and report this day:
  - (a) Government Information (Public Access) Amendment (Recklessly Destroying Government Records) Bill 2021;
  - (b) Prevention of Cruelty to Animals Amendment Bill 2021; and
  - (c) Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021.

**Motion agreed to.**

#### *Documents*

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** According to the Public Finance and Audit Act 1983 and Local Government Act 1993, I announce receipt of the following reports of the Auditor-General:

- (1) Performance Audit Report of the Auditor-General entitled *Waste levy and grants for waste infrastructure*, dated 26 November 2020, received out of session and authorised to be printed on 26 November 2020.
- (2) Financial Audit report of the Auditor-General entitled *Education 2020*, dated 26 November 2020, received out of session and authorised to be printed on 26 November 2020.
- (3) Performance Audit Report of the Auditor-General entitled *Managing the health, safety and wellbeing of nurses and junior doctors in high demand hospital environments*, dated 9 December 2020, received out of session and authorised to be printed on 9 December 2020.

- (4) Financial Audit Report of the Auditor-General entitled *Stronger Communities 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (5) Financial Audit Report of the Auditor-General entitled *Central Agencies 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (6) Financial Audit Report of the Auditor-General entitled *Planning, Industry and Environment 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (7) Financial Audit Report of the Auditor-General entitled *Transport 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (8) Financial Audit Report of the Auditor-General entitled *Regional NSW 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (9) Financial Audit Report of the Auditor-General entitled *Health 2020*, dated 10 December 2020, received out of session and authorised to be printed on 10 December 2020.
- (10) Corrigendum to the Financial Audit Report of the Auditor-General entitled *Health 2020*, dated 11 December 2020, received out of session and authorised to be printed on 11 December 2020.
- (11) Special report of the Auditor-General entitled *Members' additional entitlements 2020*, dated 15 December 2020, received out of session and authorised to be printed on 15 December 2020.
- (12) Performance Audit Report of the Auditor-General entitled *One TAFE NSW modernisation program*, dated 17 December 2020, received out of session and authorised to be printed on 17 December 2020.
- (13) Special Report of the Auditor-General entitled *Service NSW's handling of personal information*, dated 18 December 2020, received out of session and authorised to be printed on 18 December 2020.
- (14) Performance Audit Report of the Auditor-General entitled *Procurement management in Local Government*, dated 17 December 2020, received out of session and authorised to be printed on 17 December 2020.

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 2 - HEALTH**

#### **Report: Current and Future Provision of Health Services in South-West Sydney Growth Region**

**The CLERK:** According to standing order, I announce receipt of report No. 55 of Portfolio Committee No. 2 - Health entitled *Current and Future Provision of Health Services in South-West Sydney Growth Region*, dated November 2020, received out of session and authorised to be printed on 30 November 2020.

**The Hon. GREG DONNELLY (14:57):** I move:

That the House take note of the report.

**Debate adjourned.**

#### *Visitors*

### **VISITORS**

**The PRESIDENT:** I welcome to the President's gallery Lamya Dandan, who is working in the office of the President on work experience.

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE**

#### **Report: Operation of Point to Point Transport (Taxis and Hire Vehicles) Act 2016**

**The CLERK:** According to standing order, I announce receipt of report No. 13 of Portfolio Committee No. 6 - Transport and Customer Service entitled *Operation of Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, dated December 2020, received out of session and authorised to be printed on 8 December 2020.

**Ms ABIGAIL BOYD (14:58):** I move:

That the House take note of the report.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 4 - INDUSTRY**

#### **Report: The Use of Exotic Animals in Circuses and Exhibition of Cetaceans in New South Wales**

**The CLERK:** According to standing order, I announce receipt of report No. 46 of Portfolio Committee No. 4 - Industry entitled *The Use of Exotic Animals in Circuses and Exhibition of Cetaceans in New South Wales*, dated December 2020, received out of session and authorised to be printed on 14 December 2020.

**The Hon. EMMA HURST (14:59):** I move:

That the House take note of the report.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 3 - EDUCATION**

#### **Report: Future Development of the NSW Tertiary Education Sector**

**The CLERK:** According to standing order, I announce receipt of report No. 41 of Portfolio Committee No. 3 – Education entitled *Future development of the NSW tertiary education sector*, received out of session and authorised to be printed on 22 January 2021. I also table an erratum to the report dated 15 February 2021. Under the standing order, the erratum to the report has been authorised to be printed.

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

That the House take note of the report.

**Debate adjourned.**

### **PUBLIC ACCOUNTABILITY COMMITTEE**

#### **Report: Budget Process for Independent Oversight Bodies and the Parliament of New South Wales - Final Report**

**The CLERK:** According to standing order, I announce receipt of report No. 7 of the Public Accountability Committee entitled *Budget process for independent oversight bodies and the Parliament of New South Wales – Final Report*, dated February 2021, received out of session and authorised to be printed on 5 February 2021.

**Mr DAVID SHOEBRIDGE (15:01):** I move:

That the House take note of the report.

**Debate adjourned.**

### **SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government's response to report No. 1 of the Select Committee on Animal Cruelty Laws in New South Wales entitled *Animal cruelty laws in New South Wales*, tabled on 4 June 2020, received out of session and authorised to be printed on 4 December 2020.

**The Hon. MARK PEARSON (15:01):** I move:

That the House take note of the Government response.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

#### **Government Response: Koala Populations and Habitat in New South Wales**

**The CLERK:** According to standing order, I announce receipt of the Government's response to report No. 3 of Portfolio Committee No. 7 – Planning and Environment entitled *Koala Populations and Habitat in New South Wales*, tabled on 30 June 2020, received out of session and authorised to be printed on 11 January 2021.

**Ms CATE FAEHRMANN (15:02):** I move:

That the House take note of the Government response.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS**

#### **Government Response: Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020**

**The CLERK:** According to standing order, I announce receipt of the Government's response to report No. 54 of Portfolio Committee No. 5 - Legal Affairs entitled *Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020*, tabled on 21 July 2020, received out of session and authorised to be printed on 29 January 2021.

**The Hon. ROBERT BORSACK (15:03):** I move:



That the House take note of the Government response.

**Debate adjourned.**

**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION  
AND THE CRIME COMMISSION**

**Government Response: 2020 Review of the Annual Reports of Oversighted Bodies**

**The CLERK:** According to standing order, I announce receipt of the Government's response to report No. 1/57 of the Committee on the Ombudsman, the Law enforcement Conduct Commission and the Crime Commission entitled *2020 Review of the Annual Reports of overlooked bodies*, tabled on 4 August 2020, received out of session and authorised to be printed on 3 February 2021.

*Documents*

**TRANSDEV FERRY CONTRACT**

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the ferry system contract with Transdev, received on Wednesday 2 December 2020 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 documents received on Wednesday 2 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**FLOODPLAIN HARVESTING**

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the floodplain harvesting regulation, received on Wednesday 2 December 2020 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 documents received on Wednesday 2 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding floodplain harvesting regulation, received on Thursday 11 February 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying documents received on Thursday 11 February 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**NEWCASTLE EDUCATION PRECINCT**

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the Newcastle Education Precinct, received on Wednesday 2 December 2020 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 documents received on Wednesday 2 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Redacted Documents Claim of Privilege**

**The CLERK:** I table a return identifying additional redacted documents received on Monday 1 February 2021 from the General Counsel of the Department of Premier and Cabinet that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**RENEWABLE ENERGY ZONES****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding renewable energy zones in New South Wales, received on Wednesday 2 December 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**REVENUE NSW****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding Revenue NSW investigations, received on Wednesday 2 December 2020 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 documents received on Wednesday 2 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Claim of Privilege**

**The CLERK:** I table a return identifying additional documents, received on Friday 29 January 2021 from the General Counsel of the Department of Premier and Cabinet, that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**PARK'NPAY APP****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the Park'nPay app, received on Wednesday 2 December 2020 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 documents received on Wednesday 2 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**COUNCILLOR ANTOINE DOUEIHI****Claim of Privilege**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table a return identifying documents received on Wednesday 2 December 2020 from the Secretary of the Department of Premier and Cabinet that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

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

**The CLERK:** I table documents relating to a further order for papers regarding the interests and representations of Mr Daryl Maguire, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**SCHOOL INFRASTRUCTURE****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding School Infrastructure NSW Hall Projects, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**INTERCITY FLEET****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the new intercity fleet, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding the new intercity fleet, received on Thursday 28 January 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying additional documents received on Thursday 28 January 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**DUBBO BRIDGE PROJECT****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the new Dubbo Bridge Project, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding the new Dubbo Bridge Project, received on Thursday 11 February 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying additional documents received on Thursday 11 February 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**PARRAMATTA LIGHT RAIL****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding stage 2 of the Parramatta Light Rail Project, received on Wednesday 9 December 2020 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding stage 2 of the Parramatta Light Rail Project, received on Friday 18 December 2020 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying additional documents received on Friday 18 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding stage 2 of the Parramatta Light Rail Project, received on Monday 15 February 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**FAST RAIL NETWORK STRATEGY****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the Fast Rail Network Strategy, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Correspondence**

**The CLERK:** I table correspondence received on 1 February 2021 from the General Counsel of the Department of Premier and Cabinet advising that the department has now concluded its searches and has not identified any further documents that are lawfully required to be provided in response to the resolution.

**WESTERN SYDNEY AEROTROPOLIS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding property acquisition for the Western Sydney Airport and Aerotropolis, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding property acquisition for the Western Sydney Airport and Aerotropolis, received on Thursday 11 February 2021 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 additional documents received on Friday 12 February 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**NOETIC BUSHFIRE REPORTS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding bushfire reports by Noetic, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**BUILDING AND CONSTRUCTION INDUSTRY****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding adjudicated claims in the building and construction industry, received on Wednesday 9 December 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**DAM INFRASTRUCTURE****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding dam infrastructure projects, received on Wednesday 9 December 2020 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 documents received on Wednesday 9 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Claim of Privilege**

**The CLERK:** I table a return identifying documents received on Monday 15 February 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

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

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to a further order for papers regarding the interests and representations of Mr Daryl Maguire, received on Thursday 10 December 2020 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 documents received on Thursday 10 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**COMMUNITY FUNDS AND GRANTS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding funding grants and the Premier, received on Thursday 10 December 2020 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 documents received on Thursday 10 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**WARRAGAMBA DAM WALL****Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table documents relating to an order for papers regarding raising the Warragamba Dam wall, received on Tuesday 15 December 2020 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 documents received on Tuesday 15 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**RODD STAPLES****Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table documents relating to an order for papers regarding the resignation of Mr Rodd Staples, received on Tuesday 15 December 2020 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 documents received on Tuesday 15 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Claim of Privilege Waived**

**The CLERK:** I table documents upon which the claim of privilege has been waived relating to an order for papers regarding the resignation of Mr Rodd Staples, received on Tuesday 2 February 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020 and Tuesday 24 November 2020, I table correspondence relating to an order for papers regarding the resignation of Mr Rodd Staples, dated 11 December 2020, from the General Counsel of the Public Service Commission, stating that the order is not expressed as being directed to the Commission or the Commissioner and could not impliedly be said to be so directed, with reference to the provisions of the Government Sector Employment Act 2013 in respect of the Public Service Commission.

**SAFEWORK NSW****Further Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to a further order for papers regarding the Ombudsman's investigation into SafeWork NSW,

received on Wednesday 16 December 2020 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 documents received on Wednesday 16 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

### **SCHOOL INFRASTRUCTURE NSW**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the SINSW 2019/20 Works in Progress Summary, received on Wednesday 16 December 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### **DELIVERY EMPLOYEES WORKERS COMPENSATION**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table documents relating to an order for papers regarding workers compensation and delivery workers and companies, received on Wednesday 16 December 2020 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 documents received on Wednesday 16 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

### **GREYHOUND RACING NSW**

#### **Correspondence**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table correspondence relating to an order for papers regarding the Greyhound Racing NSW operating licence, received on 1 December 2020 from the General Counsel of the Department Premier and Cabinet, stating that the Greyhound Welfare and Integrity Commission [GWIC] is not generally subject to ministerial direction and control and that the Legislative Council should liaise directly with the GWIC in relation to the resolution.

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table documents relating to an order for papers regarding the Greyhound Racing NSW operating licence, received on Wednesday 16 December 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### **POWERHOUSE PARRAMATTA**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 November 2020, I table documents relating to an order for papers regarding the Museum of Applied Arts and Sciences and Powerhouse Parramatta, received on Friday 18 December 2020 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 documents received on Friday 18 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**STATE BUDGET****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the 2020-2021 budget, received on Friday 18 December 2020 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 documents received on Friday 18 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Claim of Privilege**

**The CLERK:** I table a return identifying additional documents, received on Wednesday 3 February 2021 from the General Counsel of Treasury, that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**BUDGET FINANCES****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the 2020-2021 budget finances, received on Friday 18 December 2020 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 documents received on Friday 18 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** I table additional documents relating to an order for papers regarding the 2020-2021 budget finances, received on Wednesday 3 February 2021 from the General Counsel of Treasury, together with an indexed list of documents.

**Redacted Documents Claim of Privilege**

**The CLERK:** I table a return identifying additional redacted documents received on Wednesday 3 February 2021 from the General Counsel of Treasury that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**STATE BUDGET AND JOBS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 November 2020, I table documents relating to an order for papers regarding the 2020-2021 budget jobs creation, received on Friday 18 December 2020 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 documents received on Friday 18 December 2020 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**KOALA REGULATIONS****Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table documents relating to an order for papers regarding koala regulations, received on Monday 15 February 2021 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 documents received on Monday 15 February 2021 that are claimed to be privileged and should not be tabled or made public. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

**NSW POLICE FORCE****Correspondence**

**The CLERK:** According to the resolution of the House of Tuesday 24 November 2020, I table correspondence relating to an order for papers regarding civil claims and the NSW Police Force, dated 15 December 2020, from the Secretary of the Department of Premier and Cabinet, enclosing advice from the Crown Solicitor and stating that no documents will be returned in response to this resolution of the House after considering the advice provided.

**COMMUNITY FUNDS AND GRANTS****SAFEWORK NSW****POWERHOUSE PARRAMATTA****Correspondence**

**The CLERK:** According to various resolutions of the House, I table correspondence from the Secretary of the Department of Premier and Cabinet, dated 9 December 2020, advising that a number of returns to orders will be delivered before the end of 2020 relating to the following orders:

- (1) Funding Grants and the Premier.
- (2) Ombudsman's Investigation into Safework NSW—Further order.
- (3) Museum of Applied Arts and Sciences and Powerhouse Parramatta.

**DUBBO BRIDGE PROJECT****KOALA REGULATIONS****Correspondence**

**The CLERK:** I table correspondence from the Secretary of the Department of Premier and Cabinet, dated 18 December 2020, stating that according to the resolution of the House of Wednesday 11 November 2020 regarding the new Dubbo Bridge project and according to the resolution of the House of Tuesday 24 November regarding the koala regulations further returns will be delivered as soon as possible in early 2021.

**SCHOOL INFRASTRUCTURE NSW****Dispute of Claim of Privilege**

**The PRESIDENT:** As I advised the House on Thursday 20 November 2020, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Wednesday 21 October 2020 relating to an order for papers regarding School Infrastructure NSW Projects. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC.

The Hon. Keith Mason, AC, QC, invited submissions from the Department of Education through the Department of Premier and Cabinet. Consequently, the Minister for Education and Early Childhood Learning and the Department of Education, through the Department of Premier and Cabinet, made submissions indicating that the claims of privilege over the disputed documents were waived. The documents were subsequently made public on Monday 30 November 2020. On 1 December 2020, with there no longer being any dispute, the appointment of the Hon. Keith Mason, AC, QC, as an Independent Legal Arbiter in this matter was withdrawn and the disputed documents over which privilege claims had been waived were made public forthwith.

**Claim of Privilege Waived**

**The CLERK:** According to standing order, I table the submissions from the Minister for Education and Early Childhood Learning and the Department of Education, together with the documents identified and upon which privilege is no longer claimed.

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on Tuesday 17 November 2020 the Clerk received from the Hon. Adam Searle a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Thursday 12 November 2020 relating to the interests and representations of Mr Daryl Maguire. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason for evaluation and report.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on Thursday 12 November 2020 relating to the interests and representations of Mr Daryl Maguire. The report is available for inspection by members of the Legislative Council only.

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on Monday 21 November 2020 the Clerk received from the Hon. Adam Searle a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to a further order for papers regarding ministerial disclosures of private benefits for Mr Daryl Maguire. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason for evaluation and report.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to a further order for papers regarding ministerial disclosures of private benefits for Mr Daryl Maguire. The report is available for inspection by members of the Legislative Council only.

**STATE BUDGET****Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on Monday 21 November 2020 the Clerk received from the Hon. Adam Searle a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to the 2020-2021 budget. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason for evaluation and report.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to the 2020-2021 budget. The report is available for inspection by members of the Legislative Council only.

**NEWCASTLE EDUCATION PRECINCT****Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on Friday 4 December 2020 the Clerk received from the Hon. Peter Primrose a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Wednesday 2 December 2020 relating to the Newcastle Education Precinct. The Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason for evaluation and report.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on Wednesday 2 December 2020 relating to the Newcastle Education Precinct. The report is available for inspection by members of the Legislative Council only.

**RODD STAPLES****Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 19 January 2021 the Clerk received correspondence from the Hon. Daniel Mookhey disputing the validity of a claim of privilege on documents lodged with the Clerk on Tuesday 15 December 2020 relating to the resignation of Rodd Staples. Pursuant to standing orders, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report. The Hon. Keith Mason, AC, QC, provided the Hon. Daniel Mookhey's written dispute to the Department of Premier and Cabinet. On 2 February 2021 the Clerk received from the Department of Premier and Cabinet copies of the disputed privileged documents from Transport for NSW with redactions and advice that Transport for NSW privilege was not claimed on the redacted documents. The Department of Premier and Cabinet also advised that it no longer pressed its claim of privilege on the Department of Premier and Cabinet document subject to the disputed claim of privilege. The Clerk made the documents public.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 3 February 2021, noting that the relevant agencies no longer pressed their claims for privilege. The report is available for inspection by members of the Legislative Council only.

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 22 December 2020 the Clerk received correspondence from the Hon. Mark Latham disputing the validity of a claim of privilege on documents lodged with the Clerk on Thursday 10 December 2020 relating to a further order for papers regarding the interests and representations of Daryl Maguire, the former member for Wagga Wagga. Pursuant to standing orders, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

**Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on 16 February 2021. The report is available for inspection by members of the Legislative Council only.

**DAM INFRASTRUCTURE****Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 17 December 2020 the Clerk received correspondence from Mr Justin Field disputing the validity of a claim of privilege on documents lodged with the Clerk on Wednesday 2 September 2020 relating to dam infrastructure projects. Pursuant to standing orders, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

**WAGES POLICY TASKFORCE****Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 18 December 2020 the Clerk received correspondence from the Hon. Adam Searle disputing the validity of a claim of privilege on documents lodged with the Clerk on Tuesday 20 October 2020 relating to the Wages Policy Taskforce. Pursuant to standing orders, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

**STATE BUDGET****Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 21 December 2020 the Clerk received correspondence from the Hon. Adam Searle disputing the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to 2020-21 budget finances. Pursuant to standing orders, The Hon. Keith

Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report. The Hon. Keith Mason, AC, QC, provided the Hon. Adam Searle's written dispute to the Department of Premier and Cabinet. On Wednesday 3 February 2021 the Clerk received copies of the disputed privileged documents from NSW Treasury with redactions and a further submission to the arbiter together with additional non-privileged documents.

#### **Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the validity of a claim of privilege on documents lodged with the Clerk on 16 February 2021. The report is available for inspection by members of the Legislative Council only.

#### **PARRAMATTA LIGHT RAIL**

##### **Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 19 January 2021 the Clerk received correspondence from the Hon. Daniel Mookhey disputing the validity of a claim of privilege on documents lodged with the Clerk on Friday 18 December 2020 relating to stage two of the Parramatta Light Rail project. Pursuant to standing orders, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, was appointed the Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

#### *Petitions*

#### **RESPONSES TO PETITIONS**

**The CLERK:** According to sessional order, I announce receipt of the following responses to petitions signed by more than 500 persons:

- (1) Government response from the Hon. Paul Toole, MP, Minister for Regional Transport and Roads, to a petition presented by Ms Abigail Boyd on 15 October 2020 concerning the Northern Rivers region public transport system, received out of session and authorised to be printed on 9 December 2020.
- (2) Government response from the Hon. Paul Toole, MP, Minister for Regional Transport and Roads, to a petition presented by Ms Abigail Boyd on 15 October 2020 concerning rail services on the Casino to Murwillumbah railway line, received out of session and authorised to be printed on 9 December 2020.

#### *Business of the House*

#### **POSTPONEMENT OF BUSINESS**

**Mr JUSTIN FIELD:** I move:

That business of the House notice of motion No. 1 be postponed until Tuesday 16 March 2021.

**Motion agreed to.**

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

That business of the House notice of motion No. 2 be postponed until 4 May 2021.

**Motion agreed to.**

#### *Members*

#### **PARLIAMENTARY SECRETARIES**

**The Hon. DON HARWIN:** I advise the House that the Premier has today appointed the Hon. Taylor Martin, MLC, as Parliamentary Secretary for the Hunter and Cost of Living.

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

#### *Questions Without Notice*

#### **COVID INTENSIVE LEARNING SUPPORT PROGRAM**

**The Hon. ADAM SEARLE (16:00):** My question without notice is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. Given the pandemic's impact on student learning with years 3 and 4 falling three to four months behind in literacy and numeracy, how many of the 5,500 tutors promised by her Government are now working in New South Wales schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:01):**

I thank the Leader of the Opposition for his question. It is great to be back in 2021 and what a good topic to start with—talking about our COVID Intensive Learning Support Program that the Government is rolling out this year. As the Leader of the Opposition very rightly alluded to in his question, 2020 was a disruptive school year. There is no doubt about that. That is why the Government announced, as he indicated, its COVID Intensive Support Program to be rolled out to schools right across New South Wales over the course of 2021 to ensure we can help our students to catch up.

In the member's question he referenced particular cohorts of students and how they might have fallen behind during the learning from home period. The Government's data showed us that—I think I spoke about this late last year. Our checking of assessment results showed that many New South Wales students can be behind in learning due to the challenges of 2020. That is why our Government has committed the additional \$337 million to deliver targeted learning support for students in 2021. This is a commitment that we know will boost the learning of around 290,000 students who need it the most. The member's question asks about the numbers of people who have been interested in this program and how many have started work. I inform the member that we have received 7,222 registrations from educators, of whom 6,310 are fully qualified teachers.

This means that each of our schools have been given their allocation. They know that they have this money to spend throughout the year. In terms of the numbers we have in a few weeks into the term, I will provide the latest data I can share with the member, keeping in mind of course that the first week of term was shorter due to staff development days and that we also had many schools in western New South Wales starting back the following week because of what is known colloquially as heat week. We know that more 200 schools have already employed more than 400 staff and expended more than a million dollars of this funding in week one alone. We will track that data with the pay cycles throughout the term. I am happy with that as a start for week one.

That aligns with what I am hearing from schools I visit. Over the last few weeks I spoke to quite a few principals about the rollout of this program. They have made their plans over the course of the school year. They know that this funding is available for 12 months. In truth some principals have said to me, "We want to let the kids get back, get them settled and bring this in a few weeks into the term." It is within their right to do that. This is about them saying to us, "With this additional investment in place to help them succeed, how is this going to help our students gain that uptake that we know they need?" A lot of the teachers have told us that knowing there will be extra support this year will make a really big difference. They have certainly had a lot on their plate in 2020. I know that our school communities really welcome this COVID support. I am looking forward to seeing those positions roll out and that funding being spent through the year.

**NATIONAL APOLOGY**

**The Hon. SHAYNE MALLARD (16:04):** My question is addressed to the Aboriginal affairs Minister. Will he update the House on the anniversary of the National Apology to the Stolen Generations?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:04):** This year marks the thirteenth anniversary of the National Apology to the Stolen Generations. It provides us with an opportunity to reflect upon the experiences of survivors. There is no doubt the national apology had a profound impact on Australia. It was a momentous step in our nation's history. The apology acknowledged the past mistreatment of Aboriginal people, and in particular the Stolen Generations. It remains an opportunity to reflect on what has been achieved since February 2008 and indeed the work that still lies ahead.

It is also a chance to celebrate the remarkable—I emphasise "remarkable"—efforts of Aboriginal people, including survivors, who fought tirelessly for the recognition and acknowledgment in 2008. The New South Wales Government continues to support this significant milestone to acknowledge how the history of the nation impacted on Aboriginal cultures—the oldest living culture in the world—and on the communities and lives of Aboriginal people and future generations. I mention again that in November 2020 Aunty Isabel Reid was recognised as the New South Wales Senior Australian of the Year. Aunty Isabel is a Stolen Generations survivor and advocate who was closely involved in the development of the New South Wales Government's response to *Unfinished Business*, which enabled reparations for Stolen Generations survivors. Aunty Isabel has an active role as a respected Elder within the Wagga Wagga community, including through the Mawang Gaway Aboriginal Consultative Group.

The generosity of Aunty Isabel and other survivors in telling their own stories has raised awareness about the experience of the Stolen Generations and informed the development of the recommendations through *Unfinished Business*. That work is now being carried on by the New South Wales Stolen Generations Advisory Committee and it is a rewarding experience to work with the aunts and the uncles who had experiences of the policy of assimilation pursued by State government agencies at Bombaderry, Cootamundra, Kinchela near

Kempsey and in some cases at North Parramatta. I find it incredibly rewarding to work with those people and to see how resilient they are, despite the way they were treated. I seek an extension of time.

**Leave granted.**

The second *Unfinished Business Progress Report* was planned to be delivered to Parliament by the end of 2020. In order to give proper consideration to the feedback provided by the Stolen Generations organisations about priority commitments, the time frame for *Unfinished Business* has been adjusted taking into consideration the impacts of COVID. The adjusted time line for the progress report will allow for the report and commitments to be given the full attention that they deserve. I look forward to ongoing work with survivors and organisations to develop and deliver the second *Unfinished Business Progress Report* to Parliament by August 2021.

**COVID-19 AND PRESCHOOLS**

**The Hon. PENNY SHARPE (16:08):** My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given the impact of the COVID pandemic and its impact particularly on the 70,000 preschoolers who have now started kindergarten and given that many of them had to attend preschool mostly via Zoom, significantly disrupting their transition and preparation for primary school, I ask: What steps has the Government taken to ensure they have been prepared for kindergarten and that they are coping in their new environment?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:08):** I thank the Deputy Leader of the Opposition for her question. It is a good question. It refers to the disruption that we saw in 2020 for our children who were in their year before school. Many of them and their families would have benefited from our free preschool program. We did that to make sure we had continuity of learning and consistency for those students in the years before school—particularly the year before—because we know how critical that is for students who started kindergarten this year.

The member is right. At a lot of our schools we thought of innovative and new ways to have that transition to school. In term 4 we were able to relax the guidelines so that we could have some orientation programs for those students starting school. If the House will indulge me I will be personal—my nephew started kindergarten this year and he was very excited to go to big school at the end of term 4.

**The Hon. Bronnie Taylor:** Otis?

**The Hon. SARAH MITCHELL:** Otis. He is knocking it out of the park, which is wonderful. He is enjoying school. My point is that a lot of kindergarten students were able to attend some face-to-face transition programs towards the end of last year, which is important. In terms of what we will be doing this year to track how they are going, obviously we will do our Best Start Kindergarten Assessment. Most of those assessments will have taken place before students start, which will give us an idea of how those students have started school and whether there are any extra supports that we need to look at. I have received broad feedback from the kindergarten teachers that I have spoken to in the schools that I have visited.

I give a shout-out to our early childhood educators. They did an amazing job last year as well. We talk about the dedication and innovation of our teachers but early childhood educators did a lot to prepare students to start school as they do every year. The COVID support and the intensive learning support that I spoke about in the answer to the question from the Leader of the Opposition is available to kindergarten students as well. If principals find that our kindergarten cohort needs extra support because of any disruption last year, they will be able to benefit from that funding and that program.

**The Hon. PENNY SHARPE (16:10):** I ask a supplementary question. I thank the Minister for her answer. Will the Minister elucidate how many children missed out on in-person or face-to-face transition programs into kindergarten?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:11):** I will have to take that question on notice. I will be honest with the member in terms of whether that data is available or difficult to get. As I said, a lot of people did that transition, particularly earlier in the year, but in term 4 the guidelines were relaxed to allow some face-to-face transition programs. I will endeavour to get information on what I can. It may be that the schools were or were not able to provide those programs as opposed to the individual numbers, but I will seek some advice and give the member the most information that I have available in due course.

**The Hon. COURTNEY HOUSSOS (16:11):** I ask a second supplementary question. Will the Minister elucidate her answer and provide more information in relation to the tutoring and training provided? Will the training for kindergarten students specifically include phonics?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:12):**

I thank the member for her second supplementary question. In relation to the training that will be made available, a lot of the intensive learning support teachers are qualified teachers and they are able to provide that support without additional training. As I said, a lot of schools have engaged casual teachers that they already have a relationship with because they know those students and are familiar with those classrooms. Retired teachers have returned to work. As I said, many of those intensive learning support positions will be filled by accredited teachers.

The university staff and postgraduate students who might be employed to provide tuition in certain areas will have expertise in their subject areas. The intensive support teachers will also work closely with classroom teachers and also instructional leaders to ensure that students receive personalised support to achieve their learning goals. The member also asked about phonics. As she and members in the House would know, this Government made it very clear last year that it is taking a phonics-based approach when it comes to literacy, particularly in the early years. The year one phonics test will be mandatory for all year one students this year. The expectation is that phonics will be taught in the classroom and that will be the case for the kindergarten cohort for this year.

**KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT**

**The Hon. EMMA HURST (16:13):** My question is directed to the Leader of the Government, representing the Minister for Energy and Environment. On 23 September 2020 the Government supported my notice of motion calling for a trial of immunocontraceptives on wild horses in New South Wales. Will the Minister provide an update to the House as to when work on these immunocontraceptive trials is expected begin?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:14):** I thank the Hon. Emma Hurst for her question. I am advised in the following terms by the Minister. The New South Wales Government is committed to delivering a balanced approach to the sustainable management of wild horses in Kosciuszko National Park that protects both the heritage value of wild horses and the outstanding environmental values of our largest and perhaps most iconic national park. That commitment is set out in the Kosciuszko Wild Horse Heritage Act 2018, which requires a wild horse heritage management plan to be prepared and establishes a community advisory panel to advise on the plan. A scientific advisory panel has also been established. A draft plan is in preparation and will be exhibited for public comment during the first half of 2021 so that all stakeholders can have their say on this important issue. We know that wild horses are having an adverse impact on Kosciuszko National Park's unique environment and cultural heritage, particularly after the 2019-20 bushfires. That is what many years of scientific research has made clear.

In spring 2020, a survey was undertaken to estimate the population of wild horses in Kosciuszko National Park. It produced a population estimate of more than 14,000 horses. The current estimate shows that the population of horses in Kosciuszko National Park is too high, despite recent periods of severe drought and extreme bushfires. We know that effective long-term management of the wild horse population will require a range of techniques and approaches to ensure the right balance is achieved. It is also clear from the science that methods to manage wild horse populations through reproductive control, such as immunocontraception, are most effective on small populations and do not have major benefits for reducing the population in the short to medium term. No reproductive control method has yet been demonstrated to be highly effective or easily applied.

Research on the use of new reproductive control vaccines remains at a very early stage in the United States, and neither of the two most promising immunocontraceptive vaccines for wild horses are currently licensed for use in Australia. The new wild horse management plan is the appropriate vehicle to consider the role of a potential reproductive control program, including available evidence and emerging research. The Government remains committed to considering reproductive control as one of a suite of potential future mechanisms for the management of wild horses in Kosciuszko National Park.

**FASTSTREAM PROGRAM**

**The Hon. SAM FARRAWAY (16:17):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is attracting the best and brightest teachers to regional New South Wales and other hard-to-staff areas of the State?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:17):** I thank the member for his question. I know it is an issue that he feels strongly about, as do many members in this House. Research demonstrates that school leadership is second only to teaching quality as the most powerful in-school influence on student achievement. A highly effective principal raises the achievement of a typical student by between two and seven months of learning in a single school year. In addition to this, career ambition is one of the most prominent factors when it comes to a teacher considering a career, particularly in hard-to-staff areas of rural New South Wales. That is why I was thrilled to join the Premier and the Deputy Premier to announce

our Government's plan to attract and retain top quality educators in public schools across the State through our FASTStream program.

Our FASTStream program will provide an accelerated pathway to school leadership positions for high-performing teachers and high-potential university graduates, with the aim that they will eventually be deployed in areas of higher need to make a long-lasting impact on students at those schools. The FASTStream will be one of the most competitive, selective and desirable employment pathways in Australia. It is going to be unashamedly rigorous. To participate in this program, teachers and graduates must be the cream of the crop and they must stay this way as they progress through the FASTStream. The FASTStream will be split into three stages. The first stage will be the teaching stage, which will last between three to five years for graduates and one to three years for existing teachers. The first teaching placement for graduates will be in a high-performing school so they can learn the ropes from the best in the field. The second stage is a middle leadership phase where FASTStream candidates will move into a role such as a deputy or assistant principal. That stage will last for three to five years.

The final stage is promotion to principal. Candidates will be assessed at the end point of each stage to determine whether they will continue in the FASTStream. The program is all about making the teaching profession more attractive to high-potential entrants and to help us support and retain existing high-performing teachers and deploy them into schools that most require their leadership skills and capability. An important part of the FASTStream will be a rural and regional placement for those staff. As some members would be aware, I recently released our new Rural and Remote Education Strategy to act as a framework in policy development to help close the gap between country students and their metropolitan counterparts. We conducted extensive consultation amongst education experts, parents, teachers and community members as part of the strategy, and the overwhelming majority of the feedback was that there was more to be done to attract our best teachers and leaders to the bush.

The FASTStream program will address that directly by mandating that at least one teaching rotation as part of the program be in the regions. That is a huge win for regional New South Wales because we know that once these teachers get a taste of rural living, the hope is that they will stay regional and take up the better quality of life that we have on offer. Why would one not stay in the bush? For those who are successful in the undertaking of the program, they could be fast-tracked into a principal role—which currently could take 20 years—in under 10 years. We know that teachers and graduates are going to love the opportunity and I cannot wait to see the program roll out from 2022.

### ELECTRICITY INFRASTRUCTURE ROADMAP

**The Hon. MARK LATHAM (16:20):** My question is directed to the Leader of the Government, representing the Minister for Energy and Environment. Why did the Government pay over \$300,000 to Cameron Hepburn to do the economic modelling for its Electricity Infrastructure Roadmap when Hepburn is on the payroll of Ian Hancock and Michael Photios' Blueprint Institute and cannot be deemed to be an independent objective source of information? Why did Hepburn and his modelling underestimate the amount of rooftop solar generation in New South Wales by a massive 2.5 gigawatts and therefore overestimate the amount of utility wind and solar farm power needed, thereby favouring the renewable energy business interests of Ian Hancock and Michael Photios?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:21):** I thank the honourable member for his question and I will be delighted to refer it to the Minister and obtain an answer for him.

### INTENSIVE SUPPORT TEACHERS

**The Hon. COURTNEY HOUSSOS (16:21):** My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given the Government is recruiting from a broad range of areas to serve as tutors, will qualified teachers be given preference over other applicants?

**The Hon. Rose Jackson:** She is back.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:22):** I do not think she ever left. She has had a busy summer; trust me, I have had the questions on notice.

**The Hon. Rose Jackson:** She is refreshed; she is re-energised.

**The Hon. SARAH MITCHELL:** So am I, Rose; so am I. As I think I said in my original answer, the scheme will give schools the allocation of funding that they are eligible for under the intensive support program and then they are able to be part of the discussion about who they will employ. As I said, a lot of our schools have talked to existing casual teachers who already have relationships with the school and have decided to put them on using this support. They are also able to access the 7,000-odd who have put themselves forward to be considered.



The department has provided the geographical locations of the people who have applied to local schools to give them that pool of staffing resources that they can use. Many have called on retired teachers and some are looking at university graduates as well. I am happy to provide the member with updates on those placements as this program rolls out.

I was speaking to a group of principals in Lismore the other day—last week I think it was, from memory—and even in that cohort of about 15 principals one principal in a very small school had an existing casual staff member to whom she had given an additional allocation to focus on literacy and numeracy because she is already part of the school community. Another school, which is a high school, is employing university students because they have close proximity to the university and there is a broader range of subject areas that they can tap into for their high school. There really is freedom and flexibility in the way this program is set up for schools and principals to determine what staff they need. As I said in my original answer, I think the majority of those who have applied are teachers who are already qualified teachers, so obviously many of these positions will be filled by qualified teachers but there is flexibility in the way the program rolls out for schools to access university tutors and staff, should they wish to.

**The Hon. COURTNEY HOUSSOS (16:24):** I ask a supplementary question. In relation to the Minister's reference in her answer to the freedom and flexibility provided to principals, are any guidelines provided to principals about whether they should preference qualified teachers? What is the weighting in employing these tutors?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:24):** I thank the honourable member for her question. Guidelines are certainly made available to the schools. I am happy to take that part of the question on notice because I might be able to provide to the member information in more detail than I have here. I know that there are requirements regarding the funding. Ninety-five per cent of the funding has to be allocated to salary costs for intensive support teachers. The vast majority of the remaining 5 per cent will go towards supporting intensive support teachers in schools, including professional learning and also the development of flexible solutions for more difficult-to-staff areas.

The other thing, which I probably should have said in my original answer, is that there is capacity for schools, for example, to have an existing teacher do the tuition work and have a casual cover that teacher's class. I am happy to take the member's question on notice. Referring to the guidelines that have been given to schools relating to this funding, I am happy to provide a copy of that to the honourable member if I can. Hopefully I will be able to do so as I am the Minister so I reckon I can. I will give the honourable member as much information as I can in relation to the advice that has gone out to our principals.

**The Hon. WALT SECORD (16:25):** I ask a second supplementary question. With reference to geographical locations, what are the specific measures or considerations that will take place to help get qualified teachers to assist in isolated and remote schools?

**The Hon. Courtney Houssos:** Great question.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:26):** It is a good question. As I said, because of the interest we have had from thousands of educators who want to be a part of this program across the State, we are matching their localities with schools in their area so they can access that. I am happy to take the member's question on notice and maybe offer him an answer by the end of question time. We are looking at what we can do to use technology for some of the more isolated schools. We know that if there are challenges in accessing staff—which is not unique to education—in some of our remote schools, which is the issue that the honourable member has raised, we look at how we can provide virtual and online support to fill any gaps that might exist. Again, I am happy to get more detail on that and provide it to the honourable member.

#### I4GIVE DAY

**The Hon. WES FANG (16:26):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. How is the New South Wales Government responding to the tragic deaths in 2020 of Antony, Angelina and Sienna Abdallah, and Veronique Sakr?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:27):** I thank the honourable member for his question. Monday 1 February 2021 marked the one-year anniversary of the tragic deaths of siblings Antony, Angelina and Sienna Abdallah and their cousin, Veronique Sakr. The four children died when they were hit by an out-of-control vehicle driven by a drunk and drug-affected driver when it mounted a footpath in Oatlands in north-west Sydney. The children had been walking to the shop to buy ice cream at the time of the crash.

For the Abdallah and Sakr families, forgiveness has been a vital part of their healing. Parents Daniel and Leila Abdallah created i4Give Day as a remembrance of Antony, Angelina, Sienna, and Veronique. The parents of the four children want the anniversary of their deaths to be a day of forgiveness and a day of celebration. In the days after the accident, Leila and Danny took the extraordinary step of announcing that they would forgive the driver. Over the past few months I have got to know the parents, Danny, Leila, Bridget, Craig and Bob. Their gift of forgiveness still amazes me, as it amazes so many other people. I have realised that step has been an important step in their grieving process.

In recognition of the profound loss and personal trauma suffered by the Abdallah and Sakr families, the New South Wales Government was proud to support their extraordinary message of forgiveness and healing. i4Give Day will be held annually on 1 February, not only in memory of Antony, Angelina, Sienna and Veronique but also to inspire others who have experienced traumatic loss to reflect upon whether forgiveness may aid in their grieving process. I was honoured to launch i4Give Day by hosting a commemorative event at The Calyx at the Royal Botanic Garden in Sydney on 31 January 2021; that was the eve of the anniversary of the children's deaths. I was joined at the launch by Prime Minister Scott Morrison, his wife, Jenny, who spoke so beautifully, New South Wales Premier Gladys Berejiklian, and the Hon. Mark Latham from this Chamber.

Whilst this was a sad and very difficult day, it was also a beautiful one, as it represented a day of hope and forgiveness, and it will become the legacy of those children. Leila Abdallah said she felt mixed emotions about the day. She was both heartbroken by her loss but grateful that we were able to support the family's initiative. The impact of the trauma inflicted upon these families is profound. I admire the incredible strength and resilience of the children's parents. Leila Abdallah, Danny Abdallah, Bridget Sakr and Bob Sakr have shown so much courage, so much dignity and so much grace in working with us to organise this important occasion. It has been unbelievably inspiring and an incredible privilege to meet and work with these families to help their own healing as well as the healing of others. There are many things that so many of us can learn from them.

#### SEVERE ACUTE RESPIRATORY SYNDROME

**Reverend the Hon. FRED NILE (16:30):** My question is directed to the Hon. Bronnie Taylor, representing the Minister for Health and Medical Research, Brad Hazzard. Does the Minister recall that during the SARS epidemic some years ago fines of between \$22,000 to \$110,000 were levied against retailers who made unreasonable claims about the level of protection that face masks could offer the public? Does the Minister also recall that the Government relied on the advice of Professor Cossart of the University of Sydney, who stated that masks become ineffective after 20 minutes of use? What has changed in the science of face masks for the Government to mandate their continued use in public for extended periods?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:31):** I thank the member for his question, which was directed to the Minister for Health and Medical Research, Brad Hazzard, whom I represent in this place. The honourable member has asked if I recall whether during the SARS epidemic some years ago fines were levied against retailers making unreasonable claims about masks. The question also includes the efficacy of masks, and the comment was made by the member that masks can become ineffective after 20 minutes.

In relation to mandating masks, infection control and the transmission of infection, one of the worst things people can do to transmit an infection is to touch their face. With all the entry points on your face, when you touch or pick up something it can transmit the virus. The wearing of a mask covers the nose and mouth. While that is one way to stop a point of entry, it actually makes people very conscious that they should not touch their face. By using sanitisers so much, we have not picked up those bugs and transferred them to our faces. That is why we have seen such low transmission of so many viruses during this time. I notice that my very good friend and colleague the Hon. Sarah Mitchell is sanitising at the moment. It is really important.

**The Hon. Sarah Mitchell:** I have not done it for a while—Pavlovian response.

**The Hon. BRONNIE TAYLOR:** That is something we have to realise with masks as well. The mandating of face masks was to protect us not only from breathing in airborne particles but also from people touching their face. I cannot comment on the work of Professor Cossart from Sydney university because I am not familiar with him—lately I have not read academic papers about masks and so on. I know there is clear, demonstrated evidence that the wearing of masks at that time was very helpful. I think we are up to day 29 of no community transmission in New South Wales, which is fantastic. Twenty-seven people with COVID-19 are in the care of NSW Health at the moment, but it really has been a phenomenal effort. I feel for our counterparts in Victoria, who are in lockdown again. We are all doing the very best we can. [*Time expired.*]

**POWERHOUSE PARRAMATTA**

**The Hon. WALT SECORD (16:34):** My question is directed to the Leader of the Government and arts Minister. Given that yesterday at a parliamentary hearing the Hon. Peter Collins, AM, QC, the new president of the board of trustees of the Museum of Applied Arts and Sciences, said that the Powerhouse Parramatta is the second largest arts project since the Sydney Opera House, why was the Government unable to provide the completion date yesterday, and will it do so today?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:34):** Actually it is the largest since the Opera House and the second largest ever, just to correct Peter. Regarding the member's question about the completion date, my consistent response to him has been that it is difficult to nominate a completion date in the absence of State significant development [SSD] approval; in the absence of the appointment of the construction company that will be delivering the construction; and, of course, in this case the fact that currently there is a green ban, which adds a further small level of uncertainty.

One of those issues has now been resolved—we do have SSD approval, which is fantastic. The other two issues are still to be resolved. So it is a little bit too early to be absolutely definitive about that. When I have been asked before I have always said that I expect it to be completed by the end of 2024. I have never, ever said anything other than that. When I have nominated a date, I have always said that it is subject to SSD approval, subject to the appointment of a construction company and, in particular in this case, subject to the lifting of the green ban.

**The Hon. WALT SECORD (16:36):** I ask a supplementary question. Will the Minister elucidate his answer with regard to giving a "definite date"? Will he give a commitment that he will give a definite date once the construction company is appointed and the green bans are lifted?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:36):** I do not control the weather, so it would be hard for me to give an exact date.

**COVID-19 AND BUSINESS CONFIDENCE**

**The Hon. LOU AMATO (16:37):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government encouraging business and consumer confidence in New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:37):** Good question. It is about time we had a bit of action.

**The Hon. Penny Sharpe:** Hey!

**The Hon. DAMIEN TUDEHOPE:** Not on this side. On our side of the Chamber the answers have been fantastic. How flat are the members opposite? How bad are they? I wonder why. We on this side are concentrating on delivering jobs for the people of New South Wales, but what are they concentrating on over there? Only one job. They are only interested in one job at the moment. Who is doing the numbers? Is anyone doing the numbers? I bet they are out there doing the numbers. They are all very quiet at the moment because they are saying, "Who wants the job?"

**The Hon. Don Harwin:** Rose is very interested.

**The Hon. DAMIEN TUDEHOPE:** The Hon. Rose Jackson, do you want the job? I am sure they are doing numbers over there at the moment to find out who gets the top job.

**The Hon. Adam Searle:** Mate, I'm not going anywhere.

**The Hon. DAMIEN TUDEHOPE:** I am not quite sure of that. We on this side of the House are concerned for the people of New South Wales, making sure that we are delivering for the people of New South Wales and making sure that as part of having an appropriate health response we also have an appropriate economic response. In fact, the most recent NAB Monthly Business Survey for January is very revealing.

*[A member interjected.]*

Was that for me? It is probably going to tell us who the next leader is going to be. Business confidence in New South Wales rose by six index points to plus 11 index points and while business conditions dipped slightly, it remained positive for the fourth consecutive month. The Westpac-Melbourne Institute Index of Consumer Sentiment, released on 10 February, showed a rise of 3.5 per cent in New South Wales from January to February 2021, reaching 111.7 points.

The rise reflects the recent run of 30 consecutive days of no new community transmission of COVID-19 in this State. What is more, the index remains above the 100-point benchmark for the sixth consecutive month, indicating that the optimists outnumber the pessimists. Just look how many optimists there are on the other side of the House: optimistic about this Government's handling of the pandemic, optimistic about us staying in government and optimistic about getting a new leader. There is always more work to do but this strong business and consumer confidence does not happen—

*[An Opposition member interjected.]*

**The Hon. DAMIEN TUDEHOPE:** I am being interrupted a lot. It is only on the back of the Government's strong health response and strong economic performance that we are handling the pandemic and delivering jobs and economic viability for the people of New South Wales.

### RENEWABLE ENERGY

**The Hon. MARK PEARSON (16:40):** My question is directed to the Hon. Don Harwin, representing the Hon. Matt Kean, Minister for Energy and Environment. Will the Minister update the House on the implementation of the New South Wales Government's renewable energy plan with regard to replacing coal-fired power stations with biomass power stations generating electricity from the burning of wood cleared from native forests?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:41):** Biomass is a form of renewable energy generation that has not been used as much in Australia as it has elsewhere; that is very true and it needs to be looked at and acknowledged. There is a strong case for using a resource that is renewable in a way that does not have an environmental impact. I will be very happy to get an update from energy and environment Minister the Hon. Matt Kean, whom I represent in this place, and provide it to the honourable member because I know he is interested in it. It could also be provided in the broader context of other things that have happened over the summer break since the Electricity Infrastructure Investment Bill 2020 was passed at the end of last year. There has certainly been very welcome progress and a very enthusiastic response to the legislation, which was passed overwhelmingly by the House.

There has been a series of announcements on new batteries to be installed in New South Wales that will have a gigawatt capacity, which is quite impressive. These announcements, together with previous announcements, show that we are well on the way to meeting the loss that will follow the scheduled and not unexpected retirement of generation at Liddell Power Station, where it has been apparent for some years that the power station is on its last legs. In fact, for lengthy periods in the past four years at least one of its units has been shut down. All of the progress that is being made on a wide range of fronts in renewable energy generation is welcome. I am sure the Minister will be happy to provide an update to the honourable member.

### INDIGENOUS ARTEFACTS

**The Hon. ANTHONY D'ADAM (16:43):** My question without notice is directed to the Leader of the Government and the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given the Government's decision to fine METKA EGN in Wagga Wagga \$1,500 for the destruction of Wiradjuri artefacts, what is the Minister's response to Wiradjuri and community concerns that the penalty was inadequate?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:44):** I will seek some advice on the details of that case because I would like to provide some further details—although I may be in a position to do so now, as it happens. The Department of Planning, Industry and Environment [DPIE] is the lead for the compliance and enforcement functions for Aboriginal cultural heritage matters under the National Parks and Wildlife Act. Heritage NSW is responsible for all other regulatory functions under the National Parks and Wildlife Act relating to Aboriginal cultural heritage matters. At the request of Heritage NSW, a compliance investigation was undertaken at the site by DPIE in relation to the potential breach of the conditions of the Aboriginal Heritage Impact Permit that was issued and other possible harm to Aboriginal objects.

I have been advised that the investigation found that actions to be authorised by an Aboriginal Heritage Impact Permit had commenced without notification to Heritage NSW and that, in all probability, Aboriginal objects previously recorded in the Aboriginal sites register had been harmed as a result. The Aboriginal objects harmed were stone artefacts. The penalties available under the National Parks and Wildlife Regulations 2019 and the procedure for a breach of the Aboriginal Heritage Impact Permit for failing to notify and for harm to an object were applied by the Department of Planning, Industry and Environment.

The company was given a penalty notice of \$1,500 and an official warning. I understand the company is under notice to correctly manage Aboriginal cultural heritage on its site in accordance with its Aboriginal Heritage Impact Permit. My recollection of the nature of the honourable member's question is that it was close to seeking an opinion, but I understand where he is coming from and it is an important matter. As that particular part of the regime that currently applies to Aboriginal cultural heritage falls under DPIE, I will seek a response from my colleague and provide the member an answer as soon as one is available.

#### STATE HERITAGE REGISTER

**The Hon. TREVOR KHAN (16:47):** My question is addressed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on recent additions made to the State Heritage Register?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:47):** I am absolutely delighted to do so. There have been quite a few, but in the time that is available I will comment on two of them. I will start with the National Art School, which was formerly the Darlinghurst Gaol. I have always had a great admiration for what is Australia's oldest gaol, which became an art school after World War I. The 1822 sandstone walls, the watchtower and the whole history of the site interest me greatly. I found out quite recently that I am a descendant of a Darlinghurst Gaol warder—a convict who got a ticket of leave.

As the oldest surviving gaol complex in Australia, the site has a difficult history. Thankfully, for almost 100 years—firstly as East Sydney Technical School and latterly as the National Art School—it has taken on new life as the cultural hub of New South Wales, inspiring generations of Australian artists. From Mitch Cairns to Max Dupain to John Olsen, the list is quite long. Uniting the historic cell blocks, chapel and prisoner workshops with studio-based education and learning, the National Art School is a fine example of the compatibility of heritage, arts and culture and how they can exist on one site. Now we can further celebrate the site's important place in the history of New South Wales, both as a former jail and as an exceptional arts institution.

I inform the House that the Metro Theatre—previously known as the Minerva Theatre—at Potts Point has also been added to the State Heritage Register. The nomination for the listing came from the City of Sydney. The Metro Theatre is a cultural icon straight from the golden era of theatre and cinema in New South Wales. The outstanding design is a combination of art deco by architect Bruce Dellit, the partnership of Crick and Furse—the foremost designers of cinemas in New South Wales during the late 1930s—and Dudley Ward, who refined the design of the striking interior. The venue opened in 1939 as the Minerva Theatre, a 1,000-seat live theatre venue. I note that a joint feasibility study between Create NSW and the City of Sydney was recently released on the viability of the site for the performing arts. The community has been vocal in its support for protecting the Minerva. Recently I was thrilled to announce this listing, alongside Lord Mayor Clover Moore, whose council was responsible for the nomination. I am absolutely delighted it will also be protected.

#### HUNTER, CENTRAL COAST AND ILLAWARRA RENEWABLE ENERGY ZONES

**The Hon. ROD ROBERTS (16:50):** My question is directed to the Leader of the Government, representing the Minister for Energy and Environment. I refer the Minister to the Department of Planning, Industry and Environment's website, which states that the New South Wales Government is in the early stages of feasibility for the renewable energy zones in the Hunter, Central Coast and Illawarra regions. Why has the Government given the people of those three regions a false commitment that the renewable energy zones are definitely going ahead when in truth the Government has not determined whether they are feasible? Are those zones not legislated in New South Wales? So why is feasibility being assessed?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:51):** I am happy to obtain a full response to the Hon. Rod Roberts from the Minister. He is obviously interested in those regions and their status. It is a matter of record that those regions were added while the legislation was going through the Chamber. That was for good reason, in particular the Hunter, because the way the grid is configured in New South Wales our transmission network has always operated around the need to take coal-fired power from the Hunter Valley, the Central Coast and Lithgow to large population and industrial centres. The grid is particularly well set up in the Hunter, Central Coast and the Illawarra. That is just a matter of fact.

Those zones came on later than the three other zones, which were chosen because the grid is not strong in those areas. Therefore, there would need to be a special assessment of them and probably supplementary work done on the transmission grid. There does not have to be the same work done on the other two. It is highly appropriate that they be considered as renewable energy zones as well, albeit with a lesser need to upgrade the

transmission grid. Therefore, it is no surprise, given that the capacity constraints do not exist in those areas that exist elsewhere in the west of the State.

**The Hon. Mark Latham:** Point of order: This is psychobabble. It does not address any of the points raised in the question about why are zones that have been legislated also being looked at to see whether or not they are feasible, highlighting the complete farce of this Government policy.

**The Hon. DON HARWIN:** To the point of order: If the honourable member does not understand, that is a pity. What I was saying was directly relevant and I was giving an exact technical reason why the two are different and why different things will have to be done. Therefore, I was directly relevant.

**The PRESIDENT:** The question uses the operative word "why". The Minister was explaining why. He is being directly relevant. The Minister has the call.

**The Hon. DON HARWIN:** As I was saying, areas like the Hunter have fewer technical constraints. Therefore, it comes as no surprise that a number of the announcements that have been made since the legislation on the electricity road map passed through this House are about batteries that will be built in the Hunter Valley. I said at the outset that I would obtain an answer from the Minister for the honourable member and I am happy to do that.

### MENTAL HEALTH SERVICES

**The Hon. TARA MORIARTY (16:55):** My question is directed to the Minister for Mental Health, Regional Youth and Women. Given that the Australian Institute of Health and Welfare has revealed that New South Wales spends the second lowest amount per capita in Australia on specialised mental health services, what is the Minister's response to community concerns that the Government is failing to address the growing mental health crisis, especially in south-west Sydney?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:55):** I thank the honourable member for her question. The honourable member referred to the Australian Institute of Health and Welfare's [AIHW] report on the dollar amount spent, but the report does not mention the outcomes from the result of that spend. I note that the three major states, New South Wales, Victoria and Queensland, spend similar amounts per capita. Queensland spends the least at \$241 per capita, and New South Wales and Victoria are virtually the same at \$243 and \$242 per capita—a difference of \$1. What the AIHW data does not show is how efficient each State is with its money. For example, Western Australia's suicide rate is 16 per 100,000, which is well above New South Wales at 11.4, yet Western Australia has the highest per capita spend on mental health. The data is there, but one has to look at the value of the spend and what is happening.

I repeat, Western Australia's suicide rate is 16 per 100,000. Every death is a tragedy, but the number is well above 11.4 per 100,000 in New South Wales, yet Western Australia has the highest per capita spend on mental health. In 2021 the New South Wales Government is spending a record amount of over \$2.4 billion on mental health services. The AIHW report also does not include the money that the Government has invested directly into mental health in our COVID response. Up to \$80 million has been spent on a number of initiatives that have been rolled out across the State. When the honourable member alludes to the fact that New South Wales is not performing well in the mental health area, she is talking down our health services. That is not what we should be doing at this time. I also point out that recently—

**The Hon. Penny Sharpe:** They are desperate for services they can't get. Your feigned concern about being asked questions is outrageous.

**The Hon. Sam Farraway:** Point of order: I am listening to the answer the Minister is giving and I cannot hear over the interjections from the Deputy Leader of the Opposition.

**The PRESIDENT:** I call the Hon. Penny Sharpe to order for the first time. The Minister has the call.

**The Hon. BRONNIE TAYLOR:** We have invested in extra specialist community-based mental health clinicians and peer support workers. We have put \$20 million into expanding virtual mental health services and we are getting some very good results, particularly at this time of COVID. We have also enhanced the Mental Health Line and funding to support first responders, including police and ambulance. These are good things. We have increased funding to Lifeline and the Kids Helpline as there has been an increase in calls to those lines. [*Time expired.*]

### REGIONAL EDUCATION

**The Hon. SAM FARRAWAY (16:59):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is improving the education of country students across the State?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:59):**

I thank the member for another important question about regional education. We are in a new year, 2021, which I am branding the Year of Regional Education. After what has been a tumultuous couple of years, particularly for those living in regional areas, our country students need more attention and support than ever before. They needed it after the drought alone, not to mention the other events that followed throughout 2020. That is why earlier this month, alongside the Deputy Premier, the member for Clarence, the member for Albury and many of my National Party colleagues, I was thrilled to announce the Rural and Remote Education Strategy.

As I said in an earlier answer, this new strategy is centred around our vision to ensure that every child in regional New South Wales has access to the same quality of education as their metropolitan peers and continues The Nationals' commitment to a safer and stronger regional New South Wales. We developed this strategy after a huge amount of consultation sessions with education experts, teachers, parents and community members. We had over 2,293 consultations and 519 online surveys. The key themes that were brought to light from those who took part in the consultation were that we need better technology, improved wellbeing and support for students and families, contextualised lesson delivery, more opportunities for tertiary options, a greater investment in the leadership of Aboriginal staff and accessible preschool education.

The strategy is steered by four key areas, which I like to call the four Ps: people, practice, participation and partnerships. The people principle is about committing to continuing to supply students in rural and remote communities with high-quality educators who are aware of localised context. We plan to do this through a number of initiatives, such as reassessing the way we incentivise teachers to pursue a career in the country, better leveraging our relationships with universities and, of course, with examples such as the FASTStream program that I spoke about earlier. The second key area, practice, is about better equipping and developing rural teachers to provide engaging, evidence-informed learning opportunities for students, including providing increased curriculum opportunities for country kids. Participation is about empowering staff and students in rural and remote schools to address wellbeing needs through meaningful connections with their community.

That means further improving our wraparound student wellbeing services, increasing opportunities to involve student voices, increasing the awareness of the importance of early childhood education and continuing our program to equip rural and remote schools with reliable and consistent technology. Finally, partnerships are about our partnerships with higher education providers, vocational education providers and local industry to ensure that students know that they can pursue whichever career they choose after school and do not need to feel limited by their geography. This is important work and I thank everyone who has been involved in the development of the strategy so far. Some 43 per cent of our schools are in the regions—that is more than 1,000 schools and thousands of teachers and students. They are an important cohort and this is an important strategy.

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

**INTENSIVE SUPPORT TEACHERS****The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:02):**

Earlier in question time the Hon. Walt Secord asked me a second supplementary question about what we are doing to provide support for isolated schools, which I took on notice but then sought an answer to. I reiterate that we are analysing the staffing supply in rural and regional schools. We are also working with our Directors of Educational Leadership in the field around strategies to support schools, including exploring virtual and online options, employing existing staff outside school hours to provide that support, and utilising university academics and teacher education students. I also inform the honourable member that evaluation processes are monitoring school recruitment and we will provide support for any schools experiencing difficulties.

*Supplementary Questions for Written Answers***INTENSIVE SUPPORT TEACHERS**

**The Hon. COURTNEY HOUSSOS (17:04):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister provide a list of the names of the 200 schools that are currently employing tutors?

**ELECTRICITY INFRASTRUCTURE ROADMAP**

**The Hon. MARK LATHAM (17:04):** My supplementary question for written answer is directed to the Leader of the Government in his capacity representing the Minister for Energy and Environment. My question is the same as the one that was not answered regarding economic modelling and Cameron Hepburn. Can I get an answer to that under the standing order first thing in the morning, please?

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

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

That the House take note of answers to questions.

**INTENSIVE SUPPORT TEACHERS**

**The Hon. COURTNEY HOUSSOS (17:05):** In question time today the Labor Opposition asked a series of questions about the key education announcement in the budget from this Government, which was announced in November. We were promised that \$337 million would be spent on 5,500 tutors to be participating across the State to ensure that our students caught up on what they missed last year. Term 1 has started and we now find out today that just 400 tutors are in place in just 200 schools across the State. Let us put those figures into perspective: That is 7 per cent of the promised tutors in less than 10 per cent of New South Wales schools. The Minister was at pains to stress that this will happen over the course of the year—12 months. The reason for this slow uptake is purely due to the tardiness of this Government's announcement. It was announced late last year after much calling from the sector and academic research. We were calling for this from the minute students started remote learning.

The Labor Opposition said that remote learning would mean disadvantaged students would fall further behind. The amount of devices provided by the Government meant that it was even worse. But do not take it from us. Let us take it from the Centre for Independent Studies, which released a report in May that showed exactly what we said would happen: Disadvantaged students were falling further behind. The Grattan Institute followed up in June, showing that it estimated that about one month's learning had been lost and it was worse in more disadvantaged areas. What did other governments do? In response, the Victorian Government announced a \$250 million program that would provide tutoring to begin at the start of this year. The New South Wales Liberal-Nationals Government continued to drag its feet; it continued to stay silent.

It was only after check-in tests in our schools revealed that the picture was much worse—students were three to four months behind where they should have been—that the Government finally announced this program in the budget in November. Today we learnt that instead of finding new jobs, as promised in the budget, these will just be casual teachers who already have existing relationships; it will just be shuffling around. This administration has been pushed onto schools just like it always is. Big promises with no follow-through is exactly why we have had a decade of declining standards in New South Wales schools under the Liberal-Nationals.

**INTENSIVE SUPPORT TEACHERS****HUNTER, CENTRAL COAST AND ILLAWARRA RENEWABLE ENERGY ZONES**

**The Hon. MARK LATHAM (17:07):** I take note of several answers. I start by congratulating the education Minister on the announcement regarding the compulsory year 1 phonics check. Phonics is the superior way of teaching reading; it is better than whole word. It features in the footnote of page 99 of the Masters report. It should have been much more than a footnote; it should have been a blaring headline. The material from Macquarie University is outstanding for the teaching of synthetic phonics. The Minister has announced that since we last met that the year 1 phonics check will be compulsory, which means that it embeds phonics in all the schools around New South Wales for early literacy, which is vital. It is a vital start to the education of young people, because if the school does not come up to scratch the department will have the data to show that things have gone wrong with the results from the year 1 phonics check and remedial action can be taken.

The Minister has cut the Gordian knot by ending the debilitating debate of phonics versus whole word. She has come down on the side of the evidence and the material we need for early literacy in New South Wales. That deserves congratulations. On the flipside, the Government should be condemned for misleading the people of the Hunter Valley, the Central Coast and the Illawarra about the nature of their renewable energy zones. In the very confusing answer given by the Leader of the Government, he seemed to be saying that they have the transmission network in those areas, which is not new.

The reality is that the wind and the sun are strongest in western parts of New South Wales. You are not going to get viable renewable energy zones in those regions. It is a con on those people to think that they have got jobs coming. In fact, the Government, despite legislating it—this is more than a Government announcement; it is law; it is in the statute—said, "It is such a foolish way to do things. We have to go back and check if these things are even feasible." We cannot rely on the announcement of Morris Iemma about, supposedly, the world's biggest battery in the Hunter Valley—next thing Iemma will be trying to sell the Government the Sydney Harbour Bridge. People know that big batteries are not economic; only small batteries are economical and a financial possibility. Iemma made that announcement. The next day he appeared in the media and said, "We are going out to test the capital market." He did not even have the finance for the announcement.



Unfortunately, Morris Iemma has become just like Michael Photios: a paid lobbyist who uses his lobbying clients to set up these renewable energy power deals so he can put his hand out as a rent seeker for government subsidy. That is all Iemma was doing. He did not even have the finance for it. The only thing that is happening in the Hunter Valley is the Federal Government is having to step in to build the gas-fired power station, because of Matt Kean's wrecking ball. AGL has said it would not be going ahead with its battery at Liddell Power Station. Tallawarra Power Station in the Illawarra region does not look like it is going ahead. Vales Point Power Station was going to refurbish its turbine for more dispatchable power and fewer omissions, but that has been put on hold as well. [*Time expired.*]

### COVID-19 AND BUSINESS CONFIDENCE

**The Hon. LOU AMATO (17:10):** I take note of the answer given by the Minister for Finance and Small Business to the question on business and consumer confidence in New South Wales. As we begin this 2021 parliamentary year and the second year of the COVID-19 pandemic, we can be thankful that under the Liberal-Nationals Government New South Wales has remained focused on a robust, targeted public health response while keeping the economy as open as possible. Unfortunately, the same cannot be said about Victoria. The Minister informed the House of some indicators that, despite the challenges, demonstrate that both business and consumer confidence are positive and rising. The 3.5 point rise in the Westpac-Melbourne Institute Index of Consumer Sentiment from January to February 2021 is an encouraging sign. It now sits at 111.7, which is 20.1 points higher than the 91.6 it hit in February 2020.

It is encouraging to see that the view of New South Wales residents on economic conditions over the next 12 months rose 10.5 points from January to February. I also welcome the Minister informing the House of the six point rise in business confidence from December to January. It goes to show that New South Wales is doing everything possible to help the business community. Acknowledging that these various indexes have and will vary through the course of the COVID-19 pandemic, I welcome these signs that the people of New South Wales—especially the small business owners of New South Wales—are facing the future with increasing hope and confidence. With 30 continuous days without community transmission, the New South Wales Government will continue to work to keep our economy and our borders open, consistent with a robust public health response to the challenge of COVID-19.

### INTENSIVE SUPPORT TEACHERS

#### POWERHOUSE PARRAMATTA

**The Hon. WALT SECORD (17:13):** As shadow Treasurer, I participate in the take-note debate and respond to answers given by the Minister for Education and Early Childhood Learning and the arts Minister. As I said in my inaugural speech, and I say often, education is a great leveller in an unfair society. I would not be standing here if it were not for a strong public education system in Canada, but I also want to see a strong public education system in Australia and New South Wales. After nearly 10 years of a Liberal-Nationals Government, literacy and numeracy standards in New South Wales have slipped to dangerously low levels. When I worked for Premier Bob Carr, New South Wales was equal first in the world with the Australian Capital Territory and Finland. Today New South Wales is ranked twenty-first in the world. Due to COVID and the lack of support from this Government young people are slipping behind.

The Hon. Courtney Houssos informed the House that students are now three to four months behind because of COVID. Government members have promised that they will implement a COVID catch-up and provide 5,500 tutors, but the question is: How will they be properly trained? Today we discovered from the Minister that of the 5,500 promised for this year there are only 400 teachers. That is extraordinarily, woefully inadequate compared to the \$250 million Victoria ploughed in. New South Wales students are three to four months behind. On international standards, students in regional and rural New South Wales ranked fortieth in the world. After COVID they would have slipped even further behind.

As for the Powerhouse Museum, the arts Minister was unable to provide firm answers in relation to that project, which has lurched from crisis to crisis for six years now. Premier Mike Baird said it would cost \$10 million, but it is now costing about \$1 billion according to the Hon. Peter Collins. I still maintain it is at \$1.7 billion. The Minister was unable to provide a completion date. Yesterday, in evidence in front of a committee, the Hon. Peter Collins said that he had a "pretty good idea" but he was not allowed to say. He said that he would come back with a "ballpark figure". Finally, I want to end on phonics and support the statements made by the Hon. Mark Latham. I am learning another language now and I am taking the phonetics approach. After 10 months I can actually read that language based on this approach. It is extraordinary. I was raised using the phonetics system and I think it should be supported.

### I4GIVE DAY

**The Hon. WES FANG (17:15):** I take note of the answer given today by the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor, around what was a very powerful and moving week that culminated in i4Give Day. I acknowledge the profound loss and the personal trauma that was suffered by the Abdallah and Sakr families. I am pleased to hear that forgiveness has been a vital part of the ongoing healing process for the families. Think about what it means to forgive somebody who has created so much loss and grief within your life. It is a profound and amazing thing for someone to put forward this concept, which is now remembered as a day. I congratulate the Minister and her staff, who have worked tirelessly on this concept to see that it is not only something that the Abdallah and Sakr families will embrace but also something that will hopefully touch people in a world where they are angrier, more upset and very focused on themselves.

The idea that we can forgive those who have wronged us, and let go of hurt and anger, is very powerful. The Minister and her staff have done an amazing job to try to spread this concept throughout the wider community. I hope it indeed inspires people and makes them think about what they do with their lives moving forward. I very much admire the incredible strength and resilience that the children's parents—Leila and Daniel Abdallah, and Bridget and Bob Sakr—have continued to show throughout this tragedy. They have brought courage, dignity and grace to this day—a day of remembrance for Antony, Angelina, Sienna and Veronique. i4Give Day is something that we could all learn from.

### I4GIVE DAY

#### MENTAL HEALTH SERVICES

**The Hon. TARA MORIARTY (17:19):** I take note of answers that were given today in relation to mental health. I echo the sentiments of my colleague the Hon. Wes Fang and the mental health Minister today in relation to i4Give Day. It is a wonderful initiative from the Abdallah and Sakr families. I cannot even imagine what they have been through, and I know we all feel for them. It is an amazing, wonderful initiative. I am very proud to associate myself with i4Give Day, as I am sure we all are, and hopefully we can learn from the families. I also want to speak to answers provided by the mental health Minister about mental health funding.

It is shameful that New South Wales has slipped to second-worst in the country for funding for mental health services, ahead of only Queensland. In relation to community mental health support New South Wales has slipped to second-last, ahead of only Tasmania. It is just not good enough. The waiting lists are getting longer. We have a shortage of psychiatrists and psychologists, counsellors and doctors at every level. We have talked about this ad nauseam in this place and we will continue to do so until the Government deals with it. People need support. The Government must get waiting lists under control and make sure that support and funding are available where and when people need it. To be slipping to those kinds of positions in comparison with other States is not good enough. New South Wales needs to step it up and do better.

#### STATE HERITAGE REGISTER

**The Hon. NATALIE WARD (17:20):** I take note of an answer given by the Hon. Don Harwin in this place to the excellent question posed by the Hon. Trevor Khan in relation to the updates to the State Heritage Register. I note that the arts Minister is passionate about his portfolio area and loves it with all his heart. I was pleased to hear about the updates to the heritage register. It is very important that we preserve our heritage. It is also important that we continue to renew it, that we make it available for future generations and that we nurture it. In doing so, we acknowledge its past and we also allow it to thrive in the future. I make particular note of two items that were added to the register.

One of the items is the National Art School, on the site of the oldest surviving jail complex that was built from 1822 and stood between 1841 to 1912. The National Art School site is associated with some very famous and perhaps infamous people: from Alexander Green, the colony's first and most famous executioner, bushranger Captain Moonlite, who was a resident at the site, and would-be assassin Henry James O'Farrell—I am not sure if there is any relation to the former Premier of the same name and I shall not comment in any respect—to the distinguished artists Margaret Olley, AC, and John Olsen, AO. The National Art School site has a rich heritage and it is pleasing that it will now be protected under the Heritage Act 1977. I was pleased to hear the Minister's answer that the historic cell blocks of the former jail will now be used for education purposes. We have no better example of something of such importance to our history being used for future generations in the arts.

The Minister also referred to the Minerva Theatre, which flourished in the 1950s as a cinema and film production house. It was rebranded the Metro Theatre. Adding the Metro Theatre to the State Heritage Register will ensure it is celebrated and protected in perpetuity. That is a great result for the State from this arts Minister, who is so passionate about his portfolio. I also acknowledge from the Minister's answer that the City of Sydney

nominated these sites, and it is pleasing to see the art deco design will be protected. I acknowledge the answer given by the Minister, and I wholeheartedly support the initiative.

### NATIONAL APOLOGY

**The Hon. SHAYNE MALLARD (17:23):** I take note of the answer given by the Hon. Don Harwin to my question about the National Apology to the Stolen Generations. It is important to acknowledge this milestone before moving on to other business of the House. On 13 February 2008 then Prime Minister the Hon. Kevin Rudd moved a motion in the Federal Parliament offering an apology to the Stolen Generations. The anniversary of the national apology is an opportunity to reflect on what has been achieved since 2008 and acknowledge the work that still lies ahead. It is a chance to celebrate the efforts of survivors who have advocated for recognition and acknowledgement, including through the development of the *Unfinished Business* report. The Minister updated the House on the progress of this report.

The apology was a significant milestone to acknowledge how the history of this nation impacts Aboriginal communities as well as a critical step in the healing process for Aboriginal people. I will remind the House of the long process we went through as a nation to get to the apology and to where we are today. The journey to the National Apology began with the *Bringing Them Home* report, which reported on the findings of an inquiry instigated by the Human Rights and Equal Opportunity Commission in 1995. In 1995 the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families commenced, headed by the president of the Human Rights and Equality Commission, Sir Roland Wilson. By the end of 1996 nearly 800 submissions had been received.

In 1998 thousands of Australians participated in the Sorry Books campaign, which culminated in the first National Sorry Day on 26 May 1998. This grassroots movement was described at the time as "the people's apology". Between 1997 and 1999 all State and Territory parliaments, including the New South Wales Parliament, officially apologised to the Stolen Generations, their families and communities for the laws, policies and practices of assimilation and child removal that had governed forcible removal. This was a difficult period during which the Federal Government would not formally acknowledge an apology. It instead moved a motion of reconciliation. In May 2000, in support of reconciliation and in protest of the Australian Government's lack of an official apology, nearly 250,000 Australians—including myself—walked across the Sydney Harbour Bridge. Thousands more walked across bridges around the country.

In 2007 Prime Minister Kevin Rudd began consulting with Indigenous Australians about the form of a national apology. On 13 February 2008 he offered a formal apology to members of the Stolen Generations on behalf of the Australian Parliament and all Australians. Crowds of people across Australia watched the apology on big screens in their own cities and towns. Photographic and video records of this day show the sombre and reflective faces of people witnessing the apology as the Prime Minister spoke of the wrongs governments had inflicted on Indigenous peoples across Australia. A huge wave of tears, relief and applause flowed when he finished speaking. As a nation, it is important that we commemorate this significant milestone and the journey to get there and to acknowledge the wrongs of the past while reflecting on the work that still needs to be done to address the impacts of unresolved trauma.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. BEN FRANKLIN (17:26):** I congratulate, endorse and support the education Minister, who today talked about the fact that this year will be the year for regional education. I am thrilled with the launch of the regional education strategy, which focuses on attracting more high-quality teachers to the bush, supporting their professional development and improving digital access and wellbeing support for rural and remote public schools.

**The Hon. Tara Moriarty:** How about some permanent teachers?

**The Hon. Penny Sharpe:** We need that for every student everywhere.

**The Hon. BEN FRANKLIN:** This is critical, and I am frankly a little embarrassed that the Opposition is interjecting when I am speaking about such a critically important part of this Government's focus.

**Mr David Shoebridge:** Is it about teachers and air conditioners?

**The Hon. BEN FRANKLIN:** It is about increased infrastructure spending, digital intervention, the nurturing of gifted and talented students, VET integration in senior years and tailored school support through the School Success Model. The regional strategy will target government support where it is most needed. Today I particularly want to focus on the education Minister's answer about the fast-tracking of the State's best teachers to become school principals.

With the indulgence of the House, on a personal level, my father accepted the role of school principal at Barham High School, which was the smallest high school in the State back in the 1980s. We moved from Lake Macquarie to the Riverina. For me, the opportunity to go to a primary school and high school on the Murray River was the most important formative experience of my life. I saw firsthand the impact of a school principal not just on the students in that town but also on the entire community. We want our best and brightest teachers in regional New South Wales. Regional New South Wales needs to have the same opportunities and the same access. As the Leader of The Nationals, the Deputy Premier of New South Wales, said:

Once these teachers get a taste of rural living, the hope is that they will stay regional and take up the better quality of life we have on offer.

I could not put it better myself. This is about building a safer and stronger regional New South Wales by giving our kids the best education possible while creating valuable teaching jobs in the bush. The final point that I make is about the thirteenth anniversary of the National Apology to the Stolen Generations. Over the Christmas break, I was asked what had been the most important achievement I was involved with in the Parliament over the past five years. To me it was very clear that it was the bipartisan work that was done across this place on reparations to the Stolen Generations. The fact that Auntie Isabel Reid was acknowledged and honoured as Senior Australian of the Year shows just how far we have come but we do have a long, long way to go and much more work to do. However, I commend the work that this Government has already achieved in this space.

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

**Motion agreed to.**

#### *Deferred Answers*

#### **RIVERINA CONSERVATORIUM OF MUSIC**

In reply to **the Hon. ADAM SEARLE** (10 November 2020).

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

Summaries of scheduled meetings are published quarterly on the Department of Premier and Cabinet website in accordance with Premier's Memorandum M2015-05.

#### **AUSTRALIAN CITIZENS IN SOUTH AFRICA**

In reply to **Reverend the Hon. FRED NILE** (10 November 2020).

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

The New South Wales Government works closely with the Australian Department of Foreign Affairs and Trade [DFAT] regarding the wellbeing of Australian citizens abroad.

DFAT had advised that the Australian High Commission in Pretoria is monitoring the situation.

#### **EXCLUSION FENCING**

In reply to **the Hon. MARK PEARSON** (10 November 2020).

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

There are no "100-kilometer clusters" of exclusion fencing in New South Wales funded by Local Land Services.

There are private landholders across the State that have built dog proof fences on their own property boundaries, at their own cost and discretion.

In all cases, whether it will be wild dog barriers or cluster fences, they are not designed to capture or kill animals, but are constructed to prevent passage of wild dogs.

The Supporting Our Neighbours Program is an economic stimulus and bushfire recovery initiative of the New South Wales Government that is investing in the replacement of damaged fence infrastructure on property boundaries adjoining public lands at a rate of \$5,000 per kilometre.

#### **Q FEVER**

In reply to **the Hon. MICK VEITCH** (10 November 2020).

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

Q fever screening and vaccination requirements include two consultation sessions over a seven-day period. This comprises initial screening (with patient assessment and skin and pathology testing) for previous exposure to Q fever and subsequent consultation to interpret those results and provide vaccination if appropriate.

In Far West New South Wales, the Royal Flying Doctor Service [RFDS] runs additional vaccination clinics for remote communities.

I am advised that Q fever clinics were not feasible earlier in 2020, including due to the RFDS receiving insufficient registrations.

I have been informed that sufficient numbers of attendees have now registered and RFDS clinics have been scheduled for White Cliffs and Broken Hill in the coming weeks.

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

In reply to **the Hon. MARK LATHAM** (10 November 2020).

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

It would be inappropriate to comment on these matters while an ICAC investigation is underway.

#### **RURAL LAND USE STRATEGY**

In reply to **the Hon. MARK BANASIAK** (10 November 2020).

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

This is a matter for Minister Marshall.

#### **ENERGY POLICY**

In reply to **the Hon. ROBERT BORSAK** (10 November 2020).

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

The NSW Electricity Infrastructure Roadmap (Roadmap) establishes an investment environment that supports the private sector delivering the balance of technologies needed to replace New South Wales retiring power stations at lowest cost and risk.

The Roadmap will support 6,300 construction jobs and 2,800 ongoing jobs mostly in regional New South Wales in 2030. A number of these jobs will be delivered through the development of energy storage infrastructure, such as pumped hydro projects, which offer a significant boost to regional New South Wales and help improve water security.

Computable General Equilibrium modelling found that the Roadmap would result in a net increase of 23,600 full-time equivalent jobs over the New South Wales economy in the mid-2030s.

These jobs estimates are based on indicative development pathway forecasts developed by Aurora Energy Research for the department. The Consumer Trustee, once appointed, will publish a detailed plan on the development pathway and the long-term interests of consumers.

The New South Wales Electricity Infrastructure Bill 2020 provides for the establishment of an electricity infrastructure jobs advocate and a New South Wales renewable energy sector board. This is to ensure the use of locally manufactured and supplied goods and the implementation of strategies and incentives to encourage local workforce development, and education and training in the energy sector.

In 2018-19, the annual direct employment in renewable energy activities in New South Wales was around 7,750 employees, almost 25 per cent more than the previous year.

The 32 operational wind and solar farms in New South Wales are estimated to support around 153 maintenance jobs.

#### **FOOD LABELLING**

In reply to **the Hon. GREG DONNELLY** (10 November 2020).

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

The Australian and New Zealand Ministerial Forum on Food Regulation is considering this issue and recognised the value of meat and dairy to our Australian and New Zealand diets and economies, it also recognises the growth in the alternative products sector and that both conventional and alternative products have a place in the market.

New South Wales has advocated strongly for more truth in labelling and will continue to advocate for clear labelling requirements through the Food Forum processes.

#### **WARRAGAMBA DAM WALL**

In reply to **Mr JUSTIN FIELD** (10 November 2020).

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

Recent evidence given at a NSW Parliamentary inquiry contained allegations against a WaterNSW employee. WaterNSW takes these allegations seriously.

In response to these allegations, WaterNSW will be conducting an internal investigation. No further comment will be made while the investigation is underway.

### **MURWILLUMBAH EAST PUBLIC SCHOOL**

In reply to **the Hon. PENNY SHARPE** (11 November 2020).

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

The planning process to upgrade Murwillumbah East Public School commenced in 2018. It has been a rigorous and complex process.

In December 2019, the Department of Education commenced a program of early works at the site to address urgent requirements, including the demolition of flood damaged buildings, and to provide immediate improvements for the school.

Given the site is in front of the flood levy, consideration was also given to how Murwillumbah East Public School could be upgraded in a way that would mitigate the risk of future flooding. The most appropriate option was to relocate the school.

This triggered a strategic review of current and projected education service needs for the Murwillumbah community as a whole. This review found that providing an integrated education campus for Murwillumbah would deliver greater benefits to more students than could be gained by upgrading individual schools.

At the time of the response provided in August 2020, funding approval had not yet been received to progress the Murwillumbah Education Campus. As such, the project to deliver an upgrade at Murwillumbah East Public School was continuing and advice at that time indicated works were due to commence in mid-2021.

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

In reply to **the Hon. MARK LATHAM** (11 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:

It is the responsibility of Ministers and Parliamentary Secretaries to proactively comply with the *Ministerial Code of Conduct* [the Code], as it applies to them, and I expect them to do so.

The Department of Premier and Cabinet [DPC] supports the Office of the Premier in relation to the administration of the Code and maintains the Ministerial Register of Interests [the Register] on which all disclosures are kept on my behalf.

Routine disclosures, such as those referenced in the question, do not require a decision of the Premier under the Code and are instead acknowledged by DPC and placed on the register.

### **COVID-19 AND FAMILY SUPPORT**

In reply to **Reverend the Hon. FRED NILE** (11 November 2020).

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

I am advised:

The Department of Communities and Justice has taken a range of actions to continue delivering services to vulnerable people and families in our community during the pandemic. This includes the development and provision of information to essential workers, so they can safely maintain the delivery of targeted earlier intervention, family preservation, child protection and out-of-home care services to children, families and carers. Information about these arrangements, and how to access support, is available on the department's dedicated website at <https://coronavirus.dcj.nsw.gov.au/>. This advice was developed in partnership with the child and family sector, including relevant peak bodies.

The New South Wales Government is investing almost \$7 billion, as part of the 2020-21 NSW Budget, to help people across the State break the cycle of disadvantage.

The New South Wales Government recognises the importance of supporting vulnerable children, families and people, especially during this challenging time. The New South Wales 2020-21 budget provides up to \$172 million over four years to continue evidenced-based early intervention services for vulnerable children and families. It also provides \$50 million for a Social Sector Transformation Fund to support charities and not-for-profits working to improve outcomes in homelessness, disability, health and child and family services.

The New South Wales Government announced the introduction of a new suicide monitoring system that will provide up-to-date data for health and support services about the number of suicide deaths across the State. The suicide monitoring system will provide meaningful insights for frontline services, while ensuring that best practice protocols are in place to maintain the security and accuracy of this very sensitive information

The suicide monitoring system has released the first public report, available here:

<https://www.health.nsw.gov.au/mentalhealth/resources/Publications/suicide-monitoringreport-oct-20.pdf>. The report finds the number of suspected suicides so far in 2020 is equivalent to the same period in 2019.

The New South Wales Government will invest a record \$2.4 billion into mental health services this year to continue to support people across the State as part of the 2020-21 NSW Budget.

Questions relating to mental health are within the remit of the Hon. Bronnie Taylor, MLC, Minister for Mental Health, Youth and Women. Questions relating to domestic and family violence are within the remit of the Hon. Mark Speakman, MP, Attorney General and Minister for the Prevention of Domestic Violence.

### **PORT STEPHENS KOALA HABITAT**

In reply to **the Hon. MARK PEARSON** (11 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:

As Environment Minister, it is disappointing to see any impact occurring to an iconic threatened species such as the koala. However, we can have confidence in the New South Wales biodiversity impact assessment and offset process.

All appropriate assessments and approvals were sought for the Brandy Hill Quarry Project in Port Stephens Local Government Area, and the applicant must implement a range of strict consent conditions to protect koalas as part of the operation of the quarry. As mentioned in the article, if the proponent of the Brandy Hill Quarry Project does not comply with the strict conditions of its approval, I expect the State's environmental agencies to apply the full force of the law.

### **MALE EDUCATORS**

In reply to **the Hon. ROD ROBERTS** (11 November 2020).

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

The New South Wales Government is committed to a vibrant and diverse early childhood education sector that represents the diversity of the community. The NSW Early Childhood Education Workforce Strategy acknowledges how important it is to attract and retain qualified staff for a sustainable workforce. To this end, the Department of Education's Early Childhood Education Scholarships program aims to increase the number of qualified early childhood teachers in the early childhood education sector in New South Wales.

The department is also involved in the development of a National Early Childhood Education Workforce Strategy. The national strategy will be co-designed by the Commonwealth and all States and Territories and will draw on extensive sector input and collaboration. The strategy includes six priority focus areas, namely: professional recognition, leadership and capability, attraction and retention, mental and physical wellbeing, qualification and career pathways, and data and evidence.

We recognise that there is a higher representation of female teachers than there are male teachers in our public schools. In addition, we have a proportionally higher representation of males in senior leadership, including as principals.

The principles of Equal Employment Opportunity and merit appointment are adhered to in all aspects of teacher recruitment and promotion. Male and female teachers are employed in New South Wales public schools across all stages of learning, but despite this, the imbalance exists.

The department is addressing the gender imbalance in New South Wales public schools through its Diversity and Inclusion Strategy. The strategy calls out male teachers as an area of focus to ensure that dedicated attention is provided to attracting and retaining males to the teaching profession, to prevent further gender imbalance in the future.

The department has committed to first researching, understanding and gaining further insights into barriers, challenges and trends facing male teachers. Based on the findings, the department will form partnerships with other State government departments, private schools and universities to research and develop strategies to encourage more males into teaching.

The department has a range of initiatives in place to attract people to the areas of demand, including active promotion of teaching as a career through the teach.NSW area, teacher education scholarships, sponsored training programs, cadetships, internships and teach.Rural scholarships.

### **HEAT-SMART SCHOOLS**

In reply to **Mr DAVID SHOEBRIDGE** (11 November 2020).

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

The Department of Education is committed to providing comfortable learning environments and outdoor play space for all students at New South Wales public schools, in order to meet the needs of school communities, particularly in the hottest parts of the State.

When planning for new and upgraded schools, the department refers to the Educational Facilities Standards and Guidelines, which provides minimum standards for the elements of building projects, the materials and building practices, including sustainability measures such as air cooling. The department uses energy efficient design principles including planning for the optimum orientation of a building, shading to reduce heat during the summer months and encourage solar warmth during the winter months. School playgrounds are also landscaped to help provide climate control.

Air conditioning will be provided to more than 900 schools across the State under the Cooler Classrooms Program. Where feasible, photovoltaic solar panels are installed as part of the program to offset the energy consumed by the new air conditioning systems.

The department is also committed to the Premier's Priority of Greening our City which is designed to increase the tree canopy and green cover across the Greater Sydney area. One million trees will be planted by 2022, in a program led by the Department of

Planning, Industry & Environment. Part of this program includes planting thousands of trees and bushes across schools in Sydney over the next two years. Increasing green cover in schools has multiple benefits on local microclimate, air quality, students' health and wellbeing and connecting curriculum to nature.

The department will continue to work with its schools and explore sustainability measures, to meet the expectations of school communities, and as new information becomes available in relation to the climate.

### **CHILD CARE CENTRES AND CHILD SEX OFFENCES**

In reply to **the Hon. PENNY SHARPE** (12 November 2020).

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

The service was rated Meeting in 2016. This means it has been assessed as meeting the National Quality Standard and provides quality education and care in all seven quality areas.

Since being rated in 2016, the service has been visited nine times by the Department of Education for compliance, monitoring and investigation purposes. During these visits, as per standard practice, the department checked the service's compliance with the National Law and Regulations. This was to ensure the health and wellbeing of children being educated and cared for.

All educators are required to have a valid and current Working With Children Check [WWCC]. As part of the department's commitment to keeping children safe, the checking of the currency of WWCCs for all educators is routinely undertaken. This is part of a standard checklist for every service visit.

The department's records indicate that on 17 July 2018, all WWCC were checked by a Departmental Officer as valid.

Despite having a valid WWCC, the educator (as referred to in the media) was prohibited by the department on 19 March 2019. This was following an investigation into a complaint to the department by the service, and prior to any police activity. The Office of the Children's Guardian and NSW Police were informed of this prohibition.

### **STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION)**

In reply to **the Hon. MARK BANASIAK** (12 November 2020).

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

I am advised:

- The items indicated in the question – PP\_2019\_HAWKE\_002\_00 and PP\_2019\_HAWKE\_003\_00 – are planning proposals and not development applications.
- Both planning proposals were refused at Gateway by the Department of Planning, Industry and Environment for several reasons including an inadequate demonstration of strategic merit, inconsistency with the Western City District Plan and inconsistencies with the State Environmental Planning Policy (Koala Habitat Protection) 2019.
- The Gateway determination reports are publicly available at:
  - <http://letracking.planning.nsw.gov.au/proposal/details.php?rid=6328>
  - <http://letracking.planning.nsw.gov.au/proposal/details.php?rid=6356>

### **GRIFFITH SCHOOLS MERGER**

In reply to **the Hon. MARK BANASIAK** (12 November 2020).

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

The Department of Education continues to work closely with the Principal and Director, Educational Leadership for Murrumbidgee Regional High School (formerly Griffith and Wade High Schools) to manage the teacher staffing needs of the school.

In 2019, five additional two-year temporary teacher positions were filled to provide the school with ongoing "inbuilt" relief to manage short term vacancies. These teachers are in place for the 2020 school year.

As an identified school in the current Staffing Agreement, Murrumbidgee Regional High School is able to fill all vacancies via local choice options up to the end of 2023. There have been four resignations of permanent employees from Murrumbidgee Regional High School in the last 12 months.

### **BERRY PATCH CHILDCARE CENTRE**

In reply to **the Hon. COURTNEY HOUSSOS** (12 November 2020).

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

The manner and cause of death of the child in this matter have not yet been determined by the Coroner. The inquest is currently scheduled for mid-2021.



The assessment and rating of the service was undertaken in 2019. This was prior to the outcomes from the full Department of Education investigation, which was delayed due to evidence not being made available by the police and the Coroner to the department until April 2020.

In undertaking Assessment and Rating in 2019, departmental officers reviewed a range of documents including a sampling of policies and observation of operational procedure during the service visit. During the assessment, the officer asked the service about monitoring of sleeping children. The service response was appropriate with respect to identifying policy and procedures. On the day of the assessment, the department's officer also observed appropriate practice.

In determining the final rating for a service, assessors look at the quality rating against all seven quality areas. In order to obtain an overall rating of exceeding, a service needs to be rated exceeding in at least four of the seven areas. The service in question maintained their "meeting rating" against the quality area relating to sleep and rest. However, the overall rating of the service was lifted to exceeding by improvements in other quality areas.

The rating of a service must consider the following;

- (i) the current quality improvement plan for the service; and
- (ii) any ratings assessment history of the service, including any records of previous rating assessments made under the Law; and
- (iii) the service's history of compliance; and
- (iv) observations from a site visit by an authorised officer

Assessment and rating of services in New South Wales is undertaken on a risk based approach and considers a range of factors in determining how often services should be re-assessed. These include but are not limited to;

- The length of time since last assessment
- The current quality rating
- History of compliance
- History of complaints and reportable incidents
- Changes in service ownership

As legal proceedings are underway, it is not appropriate to discuss re-assessment of this service at this time.

#### **RAIL ASSETS**

In reply to **Ms ABIGAIL BOYD** (12 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:

I am advised:

I refer you to the previous response to the February 2020 Budget Estimates Supplementary question 29.

#### **EARLY CHILDHOOD CENTRES AND COT DEATH**

In reply to **the Hon. WALT SECORD** (12 November 2020).

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

The Department of Education is committed to supporting education and care services. The health, safety and wellbeing of children attending these services is of paramount importance including during periods of sleep and rest.

Since 2017, all services are required to have developed and maintained their own policies and procedures in relation to sleep and rest for children. Policies should be based on current research and evidence-based principles and guidelines.

The department provides free training and resources to all education and care services. This ensures services are familiar with evidence-based best practice guidelines. These also support the services sleep and rest policies and procedures.

To deliver free training and resources to the sector, the department in 2019 partnered with Red Nose Australia, Australia's leading authority on safe sleep. The training includes best practice guidance on the six Red Nose safe sleep recommendations, adequate supervision of sleeping children, and physical checks of sleeping children. This, along with a range of Red Nose resources are available on the department's website at <https://education.nsw.gov.au/early-childhoodeducation/whats-happening-in-the-early-childhood-education-sector/resourcelibrary/safe-sleep-red-nose>. Services are provided with free access to these.

Further training will soon be available through the Department's Sector Development Program. This will aim to further reduce the risk to children by building the capacity of educators about safe sleep and rest practices. The department will continue to engage with Red Nose to share resources and best practice guidance with education and care services.

Providing appropriate support for quality sleep and rest practices will always be a high priority for the department.

#### **NATIVE ANIMALS**

In reply to **the Hon. EMMA HURST** (12 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:

I am advised that:

Applications to harm protected native animals are considered on a case-by-case basis in accordance with the Biodiversity Conservation Act 2016.

Population estimates, local conditions (including, for example, in relation to the impact of bushfires), and the extent of the threat posed by the animals are used to determine culling limits for the licences. These factors will continue to inform licensing arrangements. In the 12 months to 13 November 2020, more than 80 per cent of all licences related to the management of kangaroos.

#### **ABORIGINAL STUDENTS**

In reply to **the Hon. DANIEL MOOKHEY** (12 November 2020).

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

The figure quoted is 76.6 per cent for Aboriginal secondary student attendance rates in 2019. This is the total for year 7 to 12 for semester 1, 2019. In terms of declining attendance since 2015, the way attendance data is calculated changed due to the introduction of national standards, so it is not possible to compare 2015 to 2017 with later years.

The impact of changing the calculation of attendance rates in 2018 was more marked for Aboriginal students, particularly in secondary, with a drop of 3.7 per cent for years 11 and 12 between 2017 and 2018.

Indicative data from term 3, 2020 suggests an increase in attendance when compared with the same period in 2019. Whilst yet to be validated, the percentage increase is up to 4.8 per cent across all scholastic secondary years.

Attendance rates of Aboriginal students has not been a specific New South Wales Premier's Priority at any time since 2015.

#### **THE HON. GLADYS BEREJIKLIAN AND DARYL MAGUIRE, THE FORMER MEMBER FOR WAGGA WAGGA**

In reply to **the Hon. MARK LATHAM** (12 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 premise of the question is incorrect. These matters have been addressed during my appearance as a witness before the ICAC.

#### **PUBLIC SCHOOL INFRASTRUCTURE**

In reply to **the Hon. GREG DONNELLY** (12 November 2020).

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

In November 2019, the program for the delivery of the Parramatta West Public School upgrade was updated to mid-2021. The change reflected the need to reassess the requirements for the project in the context of the broader service needs of the area.

Information on the progress of the project will continue to be shared with the school community and made available on the School Infrastructure NSW website at [www.schoolinfrastructure.nsw.gov.au](http://www.schoolinfrastructure.nsw.gov.au).

#### **STATE BUDGET AND EFFICIENCY DIVIDEND**

In reply to **the Hon. DANIEL MOOKHEY** (17 November 2020).

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

The 2020-21 Budget includes a number of expense and balance sheet repair measures totalling \$12 billion over four years to 2023-24. These measures improve the budget result by \$5.6 billion over the same period.

The individual savings and fiscal repair measures are detailed in Boxes 3.1 and 5.5 of Budget Paper No. 1 – Budget Statement 2020-21.

These measures support the return to a sustainable operating position. They also give the Government more fiscal capacity to respond to future shocks, while ensuring any measures undertaken have minimal economic impact.

#### **STATE BUDGET AND GRANTS INDEXATION**

In reply to **the Hon. PENNY SHARPE** (17 November 2020).

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

I am advised that:

- The Fair Work Commission handed down their decision in the Annual Wage Review [AWR] on 19 June 2020. The decision awards a 1.75 per cent wage increase to all minimum wage and modern award reliant workers. This was payable from 1 July 2020.
- The New South Wales Government approved the 1.75 per cent indexation to the wage component of Community Services contracts for the first six months of this financial year from 1 July until 31 December 2020.
- The FY20-21 NSW Budget announced that the same rate would be applied for the full year. A second indexation payment will be made in quarter three.

### MAGPIE MANAGEMENT

In reply to **the Hon. MARK PEARSON** (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 National Parks and Wildlife Service advocates a range of humane methods to be used for managing magpies, with destruction being the option of last resort. NPWS is reviewing the policy on managing magpies, including the feasibility of translocating aggressive birds, as raised by Professor Jones.

### DEPARTMENT OF ENERGY 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:

Please refer to the answer to the supplementary question from the Hon. Mark Latham, MLC, on this matter, tabled on 18 November 2020.

### POINT TO POINT TRANSPORT HARDSHIP FUND

In reply to **the Hon. MARK BANASIAK** (18 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:

I am advised:

The Additional Assistance Payment Scheme [AAPS] was created by the New South Wales Government to provide financial assistance to persons who were involved in or connected to the taxi and hire car industry and were detrimentally impacted by the Point to Point Transport reforms.

In 2016 the Taxi and Hire Vehicles Industry Assistance Panel (the Panel) was formed to determine procedures for applications and to make recommendations about criteria for AAPS payments. The Panel comprised representatives of Transport for NSW, the Department of Premier and Cabinet, the Treasury and the New South Wales Taxi Council. The Taxi Council was included as a member of the Panel to ensure the views of industry were represented and taken into account.

### NEW SOUTH WALES-VICTORIA BORDER CLOSURE

In reply to **the Hon. ROBERT BORSACK** (18 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:

I acknowledge the disruption caused by the COVID-19 pandemic, and particularly the challenges for those impacted by border closures across Australia. NSW Health and other government agencies have worked hard throughout 2020 to ensure that the impacts of border restrictions for New South Wales communities were minimised as much as possible.

The order governing border restrictions between New South Wales and Victoria was repealed on 23 November 2020.

While restrictions were in place between New South Wales and Victoria there were a range of permits available through Service NSW, and exceptions in emergency situations.

Information has been available to the community through the Service NSW Contact Centre and the New South Wales Government website.

Additional assistance was also given to businesses impacted by the border closure, including Southern Border Small Business Support Grants, which as at 19 November had almost \$15 million paid. This is in addition to other New South Wales Government support programs, including the Small Business COVID-19 Recovery Grant program.

### CULTURAL INSTITUTION OPENING HOURS

In reply to **Ms CATE FAEHRMANN** (18 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:

I am advised:

Major arts and cultural institutions will be keeping their doors open longer, and welcoming visitors later in the evening in the new year.

A detailed announcement including information about specific activities and programs available at our cultural institutions will be released very soon.

All programming and activities will comply with Public Health Orders.

#### STATE RECORDS

In reply to **the Hon. ADAM SEARLE** (19 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:

I refer to my statement to the House given after Question Time on 19 November 2020.

#### STATE RECORDS

In reply to **the Hon. PENNY SHARPE** (19 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:

I refer to my statement to the House given after Question Time on 19 November 2020.

#### NATIVE FOREST LOGGING

In reply to **Mr JUSTIN FIELD** (19 November 2020).

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

The conduct of harvesting operations under the Coastal Integrated Forestry Operations Approval is a matter for the Forestry Corporation of NSW, in compliance with applicable rules and guidelines including the Forestry Act 2012.

#### ENERGY POLICY

In reply to **the Hon. MARK LATHAM** (19 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:

1. The New South Wales Electricity Infrastructure Roadmap has been welcomed by the Clean Energy Investor Group, which has funded renewable energy projects worth over \$9 billion; the Investor Group on Climate Change, which represents institutional investors with total funds under management of over \$2 trillion; and Aware Super, one of Australia's largest superfunds. As of 25 November 2020, the Clean Energy Investor Group has the following 17 member organisations:

- Akuo Energy
- Ararat Wind Farm
- BayWa r.e.
- Blackrock
- Canadian Solar Inc
- InfraRed Capital Partners
- Infrastructure Capital Group Ltd
- Impact Investment Group
- John Laing
- Lighthouse Infrastructure
- Macquarie Capital
- Neoen
- Northleaf Capital Partners
- RWE Renewables (previously Innogy)
- Squadron Energy
- Total Eren
- Windlab

On Monday 16 November 2020, BlueScope Steel announced a plan to invest \$20 million to help deliver renewable energy infrastructure in a new BlueScope Renewable Manufacturing Zone at Port Kembla in the Illawarra.

The Electricity Infrastructure Roadmap is designed to incentivise new investments in transmission, generation and storage. Further announcements of investments are expected after the Roadmap has been legislated and Long Term Energy Service Agreements are offered.

2. Under a registration of interest process for the Central-West Orana Renewable Energy Zone conducted in June 2020, the private sector brought forward 27,000 megawatts of new energy generation and storage projects, representing a total possible investment of \$38 billion through the process. This is nine times the amount required to deliver the target 3,000 megawatt Central-West Orana Renewable Energy Zone. This shows the strong level of interest the investment community has in New South Wales Renewable Energy Zones.

Following its announcement on 9 November 2020, the New South Wales Electricity Infrastructure Roadmap has been welcomed by the investment community, including by the groups previously mentioned.

### GOVERNMENT CABINET PROCESS

In reply to **the Hon. PENNY SHARPE** (20 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 assertions in the member's question are unfounded. In any case, the deliberations and processes of the NSW Cabinet are confidential.

### SPRINGWOOD HIGH SCHOOL TEMPERATURE DATA

In reply to **the Hon. PETER PRIMROSE** (20 November 2020).

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

The Department of Education uses the long-term, State-wide mean maximum January temperature dataset from the Bureau of Meteorology [BOM]. The BOM uses an algorithm developed by the Australian National University to ensure topographical considerations are included when determining temperature data across the whole State.

The department overlays a BOM temperature dataset with the specific geographical data of schools held by the department. This allows the relevant mean maximum temperature for each school to be pinpointed. The mean maximum January temperature data is used as it is the hottest month of the year. The data is assessed as an average over a 20-year period, which allows for peaks and troughs to be accounted for in the results.

### GLOBE WILKINS PRESCHOOL

In reply to **Mr DAVID SHOEBRIDGE** (20 November 2020).

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

The Department of Education has consulted with key stakeholder groups at every step of the process.

The department is committed to preserving public confidence in its processes and, as such, an open, competitive tender process will be undertaken for the lease and operation of the preschool in preparation for handing over the completed project.

### THE HON. DON HARWIN AND KENT JOHNS

In reply to **the Hon. WALT SECORD** (20 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:

I am advised:

All meetings requiring disclosure under Premier's Memorandum 2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information are available on the Department of Premier and Cabinet website:

<https://www.dpc.nsw.gov.au/publications/ministers-diary-disclosures/>

I have had no meetings with Mr Johns that require disclosure under the memorandum.

### GRAMPIANS NATIONAL PARK DINGOES

In reply to **the Hon. MARK PEARSON** (24 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:

I am advised:

That the Victorian Draft Greater Gariwerd Landscape Management Plan is focussed on an extensive fox and feral cat control program to remove these feral animals from Grampians National Park. The plan flags the option to investigate reintroducing dingoes in the future.

Dingoes, whether hybrids or not, are found throughout New South Wales, including in many national parks. A reintroduction program is therefore not currently being considered by the New South Wales Government. The priority for the New South Wales Government is the reintroduction of mammals, such as the bilby and the numbat, which are listed as extinct in New South Wales.

### COMPULSORY LAND ACQUISITION

In reply to **the Hon. MARK BANASIAK** (24 November 2020).

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

I am advised:

The State Environmental Planning Policy [Western Sydney Aerotropolis] 2020 [Aerotropolis SEPP], has not zoned any land as "REI Public Recreation". Land along the Wianamatta-South Creek corridor has been zoned Environment and Recreation, and will be a central defining element of the Western Parkland City.

The New South Wales Government, in conjunction with the councils, is currently developing a delivery strategy for the Wianamatta-South Creek corridor that will investigate and confirm the mechanisms to deliver upon the vision for the Wianamatta-South Creek precinct. Draft plans for the Wianamatta-South Creek precinct are on public exhibition until 26 February 2021 and are available at: <https://www.planningportal.nsw.gov.au/WSAPP>.

### MARINE SANCTUARY ZONES

In reply to **the Hon. ROBERT BORSACK** (24 November 2020).

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

The New South Wales Government has committed to comprehensively reviewing the State's network of marine parks, which will result in a new management plan and rules for the operation of these parks.

### MARINE SANCTUARY ZONES

In reply to **Mr JUSTIN FIELD** (24 November 2020).

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

The New South Wales Government has committed to comprehensively reviewing the State's marine parks, including at Batemans.

The New South Wales Government also announced increased recreational fishing access at five sites in the Batemans Marine Park. These sites are: Brou Lake (South); Clarks Bay (Freshwater Bay); Forsters Bay; Montague Island; and Nangudga Lake.

These changes followed targeted consultation including with local members of the former Batemans Marine Park Advisory Council [BMPAC].

The current arrangements allow limited recreational fishing at these five sites and fishing activities beyond these current arrangements will continue to be subject to compliance action under the Fisheries Management Act 1994 or Marine Estate Management Act 2014.

### COVID-19 AND AGRICULTURE

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

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

The New South Wales Government launched the "HelpHarvest" portal to link domestic workers with businesses requiring workers. To date there have been more than 57,000 views, with a strong trend of repeat viewers.

The New South Wales Government spearheaded the development of a national Agricultural Workers Code and was also the first jurisdiction to write the code into Public Health Orders, to allow the free movement of agricultural workers across State borders while restrictions were in place.

Further, the New South Wales Government supported the reactivation of the Commonwealth managed Seasonal Worker Program and Pacific Labour Schemes and has facilitated the arrival of workers from Fiji.

The New South Wales Government is continuing to work with industry and other jurisdictions to address workforce issues affecting the agricultural sector.

*Committees***STANDING COMMITTEE ON LAW AND JUSTICE****Government Response: 2018 Review of the Workers Compensation Scheme**

**Debate resumed from 15 October 2019.**

**Mr DAVID SHOEBRIDGE (17:30):** I speak briefly to the Government's response to the *2018 review of the workers compensation scheme*. This is another review by the Standing Committee on Law and Justice. I have said before that the motto of that committee is, "What do we want? Gradual change. When do we want it? In due course." It has lived up to that with this review. The good news is that the key recommendations of that committee, which were unanimous among its members, have actually now been implemented by the Government. It is one of those examples where the committee work of the House—supported by the submissions from unions, injured workers, law reform groups, and lawyers' groups such as the New South Wales Bar Association, the Australian Lawyers Alliance and the Law Society of New South Wales—has produced credible and real reform.

The first recommendation was to consolidate the workers compensation scheme and the compulsory third party [CTP] insurance scheme dispute resolution systems into a single personal injury tribunal. This Parliament has now passed that legislation. That single personal injury tribunal, the Personal Injury Commission, will commence its work in just a few short weeks. The second recommendation was to ensure that any personal injury tribunal needs to be independent and judicial, have statutorily appointed presiding officers, provide a judicial appeal mechanism, publish its decisions and allow claimants to have access to legal representation. Again, the good news is that the tribunal that will commence its work in a few weeks ticks all of those boxes. It will be headed by a judicial member. Its presidents and senior officers will have statutory protection, and claimants will not just have the right to a lawyer but a nearly adequate amount of money will be paid to the legal profession to represent claimants in the tribunal.

The third recommendation was that the New South Wales Government preserve the Workers Compensation Independent Review Office [WIRO] and the legal assistance scheme that it offers for workers in that scheme. The committee also recommended that the scheme be expanded to CTP insurance scheme disputes. Some of that was delivered, I might say, after amendments moved in this House by both The Greens and the Labor Opposition to ensure that WIRO was retained. Indeed, its independence was improved as a result of those amendments. It became a genuinely independent statutory office. We managed to hold onto and, again, statutorily embed the legal assistance and review service for workers compensation. Unfortunately The Greens amendments to expand that scheme to the CTP space did not succeed, but I think there is a willingness—in the House, at least—to review whether or not the extension of that legal support to CTP claimants is something that should be delivered in the future.

Unfortunately, recommendation No. 4 was not implemented by the Government. It was about providing additional support for those workers who were cut off after those disastrous 2011-12 reforms kicked in. After receiving five years of benefits those workers who had lost their entitlements under section 39 of the Workers Compensation Act 1987 were thrown into quite deliberate poverty by that government policy. Many of those workers, if they could transition to the Disability Support Pension, saw substantial reductions in the amount of money that they had, which had already started at a very low level. Other injured workers whose partners were perhaps holding down a part-time or low-income job were denied any access to disability pensions. They are injured workers who have been thrown into genuine destitution and poverty as a result of those changes.

The committee recommended that there be some additional benefits provided to those workers. It was a very open-ended recommendation but, unfortunately, the Government has rejected it almost entirely. We know that the pain continues for those workers. I am on the record as saying that those workers have been sacrificed by a brutal system and a brutal set of changes that were unnecessary and solely designed to give benefit—to give premium cuts—to employers in New South Wales. The last recommendation was that the State Insurance Regulatory Authority deal with a series of ambiguities about psychological injuries, about back pay following the resumption of weekly payments and some other detailed nuts-and-bolts reform to the system. Some of that has been implemented.

I finish by commending the work of all my colleagues on the Standing Committee on Law and Justice in the workers compensation space. In this case it was an inquiry chaired by the former National Party member Niall Blair. His chairing was consistent with a pattern of quality chairing from Government members on that committee who are looking to see what reforms can be achieved by consensus, what meaningful reforms the Government is likely to sign onto and looking to make those practical changes that are actually achievable in the space. Sometimes I think the recommendations of the committee are a little gun-shy and do not go as far as we could. However, I commend the chairing of Niall Blair in delivering those recommendations.

Again I note that the recommendations have largely been adopted by Government. That does not make the workers compensation system fair; it is miles from fair. It does not make the dispute resolution systems fair; there is still a gross imbalance between injured workers and insurers. It has not yet made the workers compensation legislation either readable or understandable. If you stood the two Acts pertaining to workers compensation, the transitional provisions, the regulations and the various regulatory documents one atop the other here in the Chamber it would be a workplace hazard—if it tipped over it would do you a major injury. There really should be a major statutory review of the scheme to make it simpler and fairer, and to deliver greater benefits and greater certainty for injured workers. However, I note that we moved a little bit along that path with the implementation of this committee's recommendations. I again commend the report to the House.

**Debate adjourned.**

*Business of the House*

## **POSTPONEMENT OF BUSINESS**

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

That committee reports and Government responses order of the day No. 2 be postponed until the next sitting day.

**Motion agreed to.**

*Committees*

## **PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS**

### **Report: Road Transport Amendment (Mobile Phone Detection) Bill 2019**

**Debate resumed from 12 November 2019.**

**The Hon. SHAOQUETT MOSELMANE (17:38):** I make a brief contribution to the take-note debate on the report of Portfolio Committee No. 5 – Legal Affairs entitled *Road Transport Amendment (Mobile Phone Detection) Bill 2019*. I remind honourable members that the objects of the bill were as follows:

- (a) to amend the Road Transport Act 2013 to establish a presumption that an object held by, or resting on, the driver of a vehicle in a photograph taken by an approved traffic enforcement device that is approved for mobile phone use offences is a mobile phone for the purposes of a mobile phone use offence, unless the driver satisfies a court that the object was not a mobile phone,
- (b) to amend the Road Rules 2014 to provide that, for a mobile phone use offence, the driver of a vehicle is not committing an offence if the driver is complying with a requirement made by a police officer or other authorised officer to hand the phone to the officer.

Labor supported the principle of regulating mobile phone use while driving, though we had a few concerns—some of which were aired by stakeholders at our inquiry. The committee was requested to explore issues that the stakeholders had with the bill and the Government's mobile phone detection camera program, and to inform the committee about how cameras were piloted and how they were to be used in future. The principal concern raised by stakeholders was that they were against reversal of the onus of proof, which meant the driver had to satisfy the court that the object was not a mobile phone. Other key concerns were about privacy and signage around the camera program.

It became clear through the evidence that mobile phone use by drivers is a widespread problem that presents a serious risk to drivers, passengers, other road users and pedestrians. Cultural change is required to make drivers aware of the real risks involved in using a mobile phone whilst driving. A pilot program testing the use of mobile phone detection cameras ran from January 2019 to June 2019. During the pilot program over 8.5 million vehicles were checked and over 100,000 drivers were detected using their phones illegally. Analysis of the pilot program identified opportunities to strengthen the current legislative provisions to support prosecution of camera-detected mobile phone use offences and make the rules clearer.

The committee recommended that the Legislative Council proceed to consider the Road Transport Amendment (Mobile Phone Detection) Bill 2019, including any amendments in relation to the reverse onus of proof, the use of artificial intelligence and privacy. The bill was adopted; however, some of the rules are still not clear. A significant concern was raised by Labor's shadow Minister for Roads, the Hon. John Graham, who argued on 22 October during debate on the legislation that, in relation to corporation-nominated offences, if we are to maintain community support for this law, it has to apply to everyone equally. At the moment that is not the case.

There is a loophole in the law that allows a driver to have a corporation say that it is the nominated offender and that it does not know who was driving the car. In such a situation, no driver loses demerit points; so no driver is punished or feels a sense of responsibility. The loophole, as argued by our shadow Minister, is being widely used and that must be stopped. To be clear, the Hon. John Graham said that the loophole is also used for other



offences. However, it is being used far more widely in relation to mobile phone camera offences than red-light camera and speed camera offences because drivers lose a lot of points for mobile phone camera offences—five points, or maybe 10 points in a double demerit period. We know what is going on: People are using the loophole to avoid losing their licence. Ten points are a lot to lose.

The Government and the Opposition are trying to change behaviour. There must be one law for everybody. Currently that is not the case and that must be rectified. There is no way that companies are unable to tell us who was driving on every one of those occasions. The shadow Minister did not accept it and nor do I. We must change the behaviour. If people think there is one rule for the ordinary commuter and another rule for people who can run the offence through a company with no loss of points, the public will lose faith and we will not be able to successfully support what is an important road safety measure. I commend the committee's report. I thank the Chair and committee members, but most importantly I thank the committee's secretariat for their wonderful work.

**Debate adjourned.**

*Business of the House*

#### **POSTPONEMENT OF BUSINESS**

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

That committee reports and Government responses order of the day No. 4 be postponed until the next sitting day.

**Motion agreed to.**

*Committees*

#### **PORTFOLIO COMMITTEE NO. 4 - INDUSTRY**

##### **Report: Implementation of the Recommendations of the Chief Scientist's Independent Review of Coal Seam Gas Activities in NSW**

**Debate resumed from 27 February 2020.**

**The Hon. MARK BANASIAK (17:45):** As Chair of the committee my contribution to debate on this report will be brief. I thank all honourable committee members who contributed to this inquiry. Quite a few committee members more learned about coal seam gas than I—the Hon. Adam Searle probably deserves an honourable mention for being quite knowledgeable—worked on the issues. I came to the inquiry with open eyes but not knowing a lot about issues of coal seam gas other than the Knitting Nannas protesting and the big yellow signs at shopping centres where people were asked to sign petitions. What became quite clear in the inquiry was the disparity between what the Government was saying it had achieved in relation to the Chief Scientist's recommendations and what all the other evidence was telling us.

The Government believed that it had achieved all but two of the 14 Chief Scientist's recommendations but all the evidence before the committee suggested that the Government had only really achieved two of the Chief Scientist's recommendations and quite possibly would never be able to achieve some of those recommendations, particularly around insurance for the industry, which obviously is a concern. I thank all the members for their contributions.

**Debate adjourned.**

*Business of the House*

#### **POSTPONEMENT OF BUSINESS**

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

That committee reports and Government responses orders of the day Nos 6 to 8 be postponed until the next sitting day.

**Motion agreed to.**

*Committees*

#### **PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**

##### **Report: Work Health and Safety Amendment (Review) Bill 2019**

**Debate resumed from 24 March 2020.**

**The Hon. TARA MORIARTY (17:48):** As Chair of the committee my contribution will be brief. In November 2019 the Work Health and Safety Amendment (Review) Bill 2019 was referred to Portfolio Committee No. 1-Premier and Finance by this House for inquiry and report. The report was tabled in the House in March

2020. Since that time the bill has been dealt with by the House—so we are a little out of order but we will get there—and amended the Work Health Safety Act 2011 to expedite the implementation in New South Wales of 12 proposals based on recommendations of a national review of the model Work Health and Safety Act—known as the Boland review.

The amendments, aimed at further improving safety in the workplace, include acknowledging that workplace deaths may be prosecuted as manslaughter under the Crimes Act 1900, making it easier to prosecute the most serious work health and safety offences with the addition of gross negligence as a fault element, increasing the penalties for the most serious work health and safety offences, and extending the time from 12 months to 18 months within which a person can request that a regulator bring a prosecution relating to a workplace incident involving risk of death or serious injury or illness. During the short inquiry the committee considered a number of concerns that were raised by stakeholders relating to those changes. The committee acknowledges stakeholder concerns raised in the inquiry and notes that there was a divergence of views from inquiry participants, particularly on the topic of whether a provision for industrial manslaughter should be included in the bill.

The committee recommended that the House proceed to consider the Work Health and Safety Amendment (Review) Bill 2019 and to consider stakeholder concerns raised in the inquiry. I note that the committee specifically requested that "the Government urgently review, with a view to implementing, Recommendation 2 of the Boland Review", which relates to amending the model WHS regulations to deal with how to identify the psychological risks associated with psychological injury and the appropriate measures to control those risks. I thank everyone who participated in the inquiry, provided submissions and attended the public hearing at short notice. I thank the secretariat for their assistance and all committee members for their considered contributions to the process.

I will provide the House with some information on the conduct of the inquiry. The terms of reference for the inquiry were referred to the committee by his House on 19 November 2019. The committee received 12 submissions and conducted an online questionnaire, which received six responses. We held one public hearing at Parliament House. It is important to note that the committee heard evidence and prepared this report on the first print of the bill prior to it being amended in the other place. Most stakeholders indicated their overall support for the Work Health and Safety Amendment (Review) Bill 2019 to implement proposals based on recommendations made by the national review of model work health and safety laws. However, stakeholders raised a number of concerns about aspects of the bill, including its timing prior to completion of the Boland review; exclusion of an industrial manslaughter provision, which I will come back to shortly; and enhanced category 1 offence provisions.

Issues were raised relating to the health and safety representative training arrangements, the omission of psychological health provisions and the prohibition of insurance for work health and safety fines. One of the main considerations of the committee was that of an industrial manslaughter provision. The Boland review recommended that a new offence of industrial manslaughter be included in the model WHS laws. The committee noted Ms Marie Boland's reasoning for the recommendation is as follows:

I am recommending a new offence of industrial manslaughter be included in the model WHS laws. The growing public debate about including an offence of industrial manslaughter in the model WHS laws was reflected in consultations for this review. I consider that this new offence is required to address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. It is also required to address the limitations of the criminal law when dealing with breaches of WHS duties. More broadly, the ACT and QLD have already introduced industrial manslaughter provisions with other jurisdictions considering it and so this new offence also aims to enhance and maintain harmonisation of the WHS laws.

The bill did not have an industrial manslaughter provision but provided clarification that in some circumstances the death of a person at work may constitute manslaughter under the Crimes Act 1900. The inclusion or exclusion of an industrial manslaughter provision was the most contentious issue of the bill. Again, stakeholders presented divergent views on the issue. In support of including an industrial manslaughter provision we heard from Mr and Mrs Cassaniti, whose son Christopher died on a Sydney construction site in 2019. Ms Patrizia Cassaniti stated in evidence on 10 February 2020:

The biggest game changer here that must not only be considered but must be actioned is introducing industrial manslaughter into New South Wales. Most States in Australia have this law introduced already and it is proving to be effective in preventing accidents and incidents from happening. How is it even possible that a cat is more important than my son? And an interstate worker is more important than a worker in New South Wales? I do not get that, I do not get that at all. Other States have taken action and New South Wales should too.

Mr and Mrs Cassaniti provided moving and heartfelt evidence regarding the loss of their son Christopher. I thank them for participating and say again how sorry I am for their loss. The committee heard from a number of trade unions that were strongly in support of the proposal to include industrial manslaughter in the bill, arguing that its deterrent impact is a reflection of society's expectations on workplace safety, it supports uniformity across

jurisdictions and is a way to ensure the regulator is more responsive to workplace deaths. We heard from Unions NSW, the Construction, Forestry, Maritime, Mining and Energy Union [CFMMEU], the Australian Manufacturing Workers' Union [AMWU], and the NSW Teachers Federation.

We also heard from stakeholders who did not support an industrial manslaughter provision. They included the NSW Business Chamber, the Australian Industry Group and the Australian Chamber of Commerce and Industry. Those organisations spoke about the need for preventative action and intervention. They also supported the inclusion of a provision noting that workplace deaths may be prosecuted as manslaughter under the Crimes Act 1900. The New South Wales Government was against the inclusion of an industrial manslaughter provision for various reasons. It argues that a manslaughter offence already exists and can be applied to workplace deaths, which is sufficient.

The committee noted the divergence of views of stakeholders on the issue and took the view that stakeholders should continue to engage on the issue. The committee also took the view that continued engagement should not delay the passage of the bill—which has since passed—as it introduced a number of positive amendments to work health and safety legislation, including the element of gross negligence to category 1 offences, the increase in penalties for serious work health and safety offences and extending the time for the commencement of a prosecution from 12 to 18 months.

I note stakeholders raised other issues with the bill, including health and safety representative training arrangements; the lack of amendments relating to psychological health, which is of particular concern to the Police Association of NSW; the prohibition of insurance for WHS fines; and issues of hearing loss for professional and recreational shooters. I thank Mark Morey and Natasha Flores from Unions NSW, Ben Kruse from the CFMMEU, David Henry from the AMWU, Alistair Sage from the AWU and Tony King and Angus Skinner from the NSW Police Association. I give special acknowledgment to the Cassaniti family and again pass on my deepest sympathy for the loss of their son Christopher. Their story is one that sits heavily with me and I am sure all committee members and members in this place. I thank both Patrizia and Rob Cassaniti for their continued advocacy for workplace safety and education.

I also thank the Australian Industry Group, the Federation of Hunting Clubs and Government representatives from the Department of Customer Service for their participation in the inquiry. I note that these are the findings of the committee and as the chair I report them to House. However, I also note that there were dissenting statements added as appendices to the report. The first was from me and the Hon. Adam Searle, MLC. It is our view and that of the Labor Party, which we represent in this place, that the bill should have included provision for industrial manslaughter. Our dissenting statement was not accepted by the majority of the committee, but we believe that industrial manslaughter provisions are important for national harmonisation and would send a clear message to employers and to the broader community that a life lost at work is no less valuable than a life lost elsewhere.

I note a statement from committee member Mr David Shoebridge, acknowledging that whilst much of the report was a product of consensus amongst committee members he found the evidence supported the inclusion of an industrial manslaughter provision. This House received a Government response to the report on 22 September 2020 and it noted the two recommendations of the committee: one, that the New South Wales Government urgently review, with a view to implementing, Recommendation 2 of the Boland review; and, two, that the Legislative Council proceed to consider the Work Health and safety Amendment (Review) Bill 2019 and where appropriate consider amendments in the committee stage that address stakeholder concerns raised in this inquiry. That is well and truly done, but as has been foreshadowed in the House today it is an issue that will arise again. I thank the committee for its work on this report.

**The Hon. ADAM SEARLE (17:59):** I speak briefly on the report of Portfolio Committee No. 1 – Premier and Finance entitled *Work Health and Safety Amendment (Review) Bill 2019*. As the Hon. Tara Moriarty indicated, I was one of the Labor members on the inquiry. The inquiry was a good, diligent and thorough review of the bill brought by the Government. But, again, as is set out in the dissenting report, in my view there was a glaring omission. A golden opportunity for significant reform was missed on this occasion because of the omission of industrial manslaughter. I understand that this is a highly partisan issue and one on which people have sharply differing views, but it is the case that laws are not just meant to punish people when they transgress society's norms.

Hopefully, carefully crafted laws are designed to raise the standard of behaviour that we expect. Anyone familiar with the criminal law knows that when a defendant is convicted and sentenced, in sentencing law and principles there are very separate and discrete components fulfilled by the criminal law. One is specific deterrence to ensure that a particular offender will think twice before reoffending and another is general deterrence to send a clear signal to the broader society that the behaviour that has brought this defendant before a court and has led to this defendant's conviction is unacceptable and is punishable by severe sanctions. The Opposition does not think

an industrial manslaughter law should exist for some ideological reason; there is a clear and present practical reason. The current Government over its 10 years in office has clearly preferred in the work health and safety space to encourage industry to lift its game rather than to prosecute where clear wrongdoing is done. The level of enforcement action through prosecutions has clearly tailed off during its term in office in preference for other forms of, shall I say, encouraging adherence to the law.

We think an industrial manslaughter law is necessary to indicate very clearly that where workers are killed as a result of wrongdoings—a failure to observe work health and safety law or a failure to exercise the relevant standard of care—it should not just be a cost of doing business. Yes, we understand that when tragic events occur in workplaces and people are killed, everyone at the workplace is terribly badly affected. We know that employers do not set out to kill people in their workforce but that is not good enough. There needs to be a strong signal from the legislature, in the form of an industrial manslaughter law, that the loss of life at work is unacceptable. We have to raise the standard of what we expect rather than impliedly accepting that as hard as we work there will always be some loss of life at work. That may be so but it should not be our intention and we should not accept that at any level.

During the inquiry there was a stream of evidence to the effect, "The Australian Capital Territory has an industrial manslaughter law and it has never been used." It is quite clear that the Australian Capital Territory's industrial manslaughter law is part of the Territory's proper criminal law, whereas the work health and safety models in Victoria and Queensland, being newer, are much more able to be used in the workplace setting. We did receive some examples—I think they are in the report; three examples in Queensland—of where the law had operated. While it is early days, the signs are good that the existence of those laws has sent a powerful message to industry in those States and that the employers in those States do take it very seriously and are working with renewed effort to raise the standards of behaviour and safety.

I will talk briefly about the Cassaniti's case. As the Hon. Tara Moriarty indicated, Patrizia and Rob Cassaniti gave powerful evidence to the inquiry. Tragically, their 18-year-old son was killed in Macquarie Park on a construction site and the sentence was handed down by the District Court in December. At the time the offence was committed, the maximum penalty for a category 1 offence was \$3 million. For reasons that have not been explored and not disclosed publicly—certainly not in the judgement—the prosecutor chose not to pursue the matter as a category 1 but as a category 2. What is the practical impact? The maximum penalty the company was exposed to was not \$3 million, it was \$1.5 million—a 50 per cent discount, if you like.

As part of the overall arrangement between the prosecutor and the defendant, the defendant pleaded guilty to a category 2 rather than having a contested hearing where the prosecutor would have been put to a higher standard of proof. The judge said, "This is a case of the utmost severity. Given the circumstances, it was almost certain to occur." Tragically, the judge in the case also observed that it would have been simple and relatively inexpensive to address the causes of the fatality. But because the defendant company pleaded guilty, it got a 25 per cent discount—\$900,000. I think I am right in saying that the company will not have to pay, its insurer will have to pay—I think I am right about that—but of course the legislation, which is the subject of the review and the report, has put that practice to an end. I think that everyone in the House can agree that that is a good thing.

The Cassaniti case highlights not just the need for an industrial manslaughter law and the need for the legislation that the report looked into but also the importance of what the law is and what it seeks to do and, again, the power of the prosecutor in choosing which offences to pursue and which ones not to pursue. That company—and I am not making light of the matter—got exposed to half the penalty it otherwise would have simply because of the level at which the prosecutor chose to prosecute a fatality. I ask honourable members in the House to reflect on this: I think it should always be the case that when one has a loss of life in the workplace, how can that not always be the worst-case outcome? I ask honourable members to reflect on that because in the wake of the Work Health and Safety Amendment (Review) Bill 2019 coming into the Chamber, the House did consider and debate a proposal for an industrial manslaughter offence. On 4 June the House decided not to go down that path on that occasion.

As I have signalled today, the Opposition will invite the Parliament to reconsider the issue in the near future. We will be consulting with affected families, relevant trade unions and, of course, employer associations that have reservations or are opposed to the notion of an industrial manslaughter law. We will talk to all interested parties about the framing of the law and what such a law should look like because we are determined to find common ground and to proceed with the issue until it is achieved—not for some narrow ideological objective but to raise the standard of health and safety in this State for every worker and for all of their families. I hope that everyone in the Chamber and anyone reading this debate agrees that all those who go to work each day to feed their family and to put a roof over their family's head deserves the right to come home safely each day.

**Debate adjourned.**

**STANDING COMMITTEE ON STATE DEVELOPMENT****Report: Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019**

**Debate resumed from 24 March 2020.**

**The Hon. TAYLOR MARTIN (18:10):** It has been almost 12 months since the Standing Committee on State Development tabled its report, so I am glad that members finally have a chance tonight to take note of that report. Given the time that has passed since it was published and also the fact that I have already discussed the bill in some detail in the past, I take this opportunity to thank some key people who played a significant role in the inquiry. On behalf of the committee, I thank those who contributed to the work of the committee by making submissions to the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 inquiry and for participating in the public hearings. In particular I thank and acknowledge the Australian Nuclear Science and Technology Organisation, ANSTO, as well as Heathgate Resources and the South Australian Government for their great support of and assistance to our visit to South Australia in 2019.

I thank the secretariat for the hard work that they do behind the scenes, including Anthony Hanna, Rebecca Main, Shu-fang Wei and Angeline Chung, as well as the wonderful Hansard reporters. Finally, I recognise Tom Gotsis, Chris Angus, Daniel Montoya, Lenny Roth, Rowena Johns and Matthew Dobson from the Parliamentary Research Service for their preparation of the issues paper *Uranium Mining and Nuclear Energy in New South Wales*, which was a lengthy and detailed document that was useful to all members and participants. I also thank the members of the committee, starting with my trusty deputy, the Hon. Mick Veitch, the Hon. Scott Farlow, the Hon. Natasha Maclaren-Jones, the Hon. Wes Fang, the Hon. John Graham, the Hon. Mark Banasiak and, of course, the Hon. Mark Latham, who subbed onto the inquiry for its duration for reasons well known to us all.

**Debate adjourned.**

**STANDING COMMITTEE ON SOCIAL ISSUES****Report: Modern Slavery Act 2018 and Associated Matters**

**Debate resumed from 12 May 2020.**

**The Hon. SHAYNE MALLARD (18:12):** The Standing Committee on Social Issues inquiry into the Modern Slavery Act 2018 and associated matters was conducted over a year ago, much like the inquiry of the Standing Committee on State Development that we just heard about. The task of the committee was to examine the New South Wales Modern Slavery Act, which was passed by the New South Wales Parliament on 21 June 2018 but which has not yet been proclaimed. The terms of reference of the Standing Committee on Social Issues are as follows:

1. That the Standing Committee on Social Issues inquire into and report on the *Modern Slavery Act 2018* (NSW) (the NSW Act), the consultation draft of the *Modern Slavery Bill 2019* (the amendment Bill), and the consultation draft of the *Modern Slavery Regulation 2019* (NSW) (the Regulation), with particular reference to:
  - (a) the operability of the proposed anti-slavery scheme
  - (b) the effect of the anti-slavery scheme on business, including the supply chain reporting obligations under section 24 of the NSW Act
  - (c) the intended application of the anti-slavery scheme with respect to charities and not-for-profit organisations, State Owned Corporations and local councils
  - (d) the appropriateness and enforceability of Modern Slavery Risk Orders under section 29 of the NSW Act
  - (e) the unintended consequences of drafting issues with the NSW Act, including with respect to the *Human Tissue Act 1983* (NSW) and the sale and supply of human tissue
  - (f) the risk of a possible constitutional challenge to current provisions in the NSW Act due to inconsistencies with the *Criminal Code Act 1995* (Cth)
  - (g) whether the passage of the Modern Slavery Act 2018 (Cth) renders parts or all of the NSW Act unnecessary, or requiring of amendment to address inconsistencies or gaps
  - (h) the preferred course of action to address the matters identified
  - (i) any other related matter.
2. The Committee shall have regard to the Government submission enclosed with the terms of reference.

The Government referred this matter to the committee to investigate and consult on proposed amendments to the Act, which has not yet been proclaimed. The terms of reference were referred to the committee by the Hon. Don Harwin, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. The committee tabled its final report to the Legislative Council in August 2019. The

committee received 102 submissions and held a public hearing on Monday 4 November 2019 at Parliament House. The committee was also tasked with examining consultation drafts prepared by the Government.

With regard to the report, the committee expresses support for the New South Wales Act based on the evidence the inquiry received about its many positive features. These include a robust supply chain transparency scheme for both businesses and government, an anti-slavery commissioner, the creation of new modern slavery offences, support for victims and the establishment of a parliamentary committee to provide oversight of this initiative. However, at the outset of its final report the committee notes that it would be preferable to have comprehensive modern slavery legislation enacted by the Commonwealth Government within a single uniform framework because modern slavery does not acknowledge State or international boundaries and operates across borders, as do many businesses in Australia. The committee also believes a statutory review should be incorporated into the Act in conjunction with the Australian Government's statutory review of the Commonwealth supply chain transparency legislation and the Modern Slavery Act 2018. This would provide an opportunity to evaluate the New South Wales Act's operation in its initial phase, including how the two schemes would operate in tandem, and to consider any further improvements or to deal with any conflict.

With reference to the effect of the anti-slavery scheme on businesses, the committee supports the supply chain reporting obligations placed on businesses with a turnover of \$50 million to \$100 million under section 24 of the New South Wales Act. Committee members particularly acknowledge the work done to develop reporting requirements that are aligned with those of the Commonwealth. The Commonwealth law applies to businesses with a turnover of over \$100 million. The committee importantly recommends that the New South Wales Government works with the Australian Government to seek harmonisation of the reporting threshold as a key reform to create a standard national approach to modern slavery. Ideally this should be set at \$50 million but the committee recognises that the Federal threshold is \$100 million, so there is scope for negotiation. The committee has also made recommendations on the position of the charities and not-for-profit sector and local councils.

Turning to the quite complex issues of modern slavery risk orders, the committee believes that the orders currently provided in section 29 of the New South Wales Act are the most problematic part of the legislation. Both the New South Wales Government and legal stakeholders have expressed very serious and broad-based legal policy and practical concerns over these orders. The committee supports the proposal in the draft amendment bill to repeal section 29, especially in light of the evidence that was received about the availability of existing, well-established, highly resourced and risk-based offender management schemes to manage modern slavery offenders. The committee has also made a number of other recommendations concerning the offence provisions in the New South Wales Act, as well as around victims' rights and support.

There was some discussion earlier today about the fact that we now have the Government response and that in six months' time we might debate it, but I will address the response now as it seems logical to do so. The Government's response, which we received from Minister Harwin on 24 September 2020, was generally a positive response to the report and its 17 recommendations. The Government's response accepts in principle or notes all of the recommendations and rejects none. The response to recommendation 1 outlines the Government's position. Minister Harwin's letter stated:

The Government is committed to implementing a modern slavery regime in NSW.

In the first instance, the Government will enter into discussions with the Commonwealth to achieve greater harmonisation with the Commonwealth *Modern Slavery Act 2018* ...

That was our recommendation. The letter continued:

To this end, the Government supports in-principle **Recommendation 5** of the Committee's report that the NSW Government work with the Australian Government to seek harmonisation of the supply chain reporting threshold, ideally at \$50 million consolidated revenue, as a key reform for a standard national approach to modern slavery.

Following the conclusion of discussions with the Commonwealth, the Government intends on amending the NSW Act ...

And proceeding accordingly. I think that is a fairly positive response. We will probably hear from other members—if not today, another day—criticising the time it is taking. I cannot speak on behalf of the Government, but I expect it will say that the Commonwealth is not coming to the party. Nonetheless, the committee is very keen to see the Act implemented with the amendments that we have recommended. I note that the committee's Labor members wrote a dissenting report in that regard, which is not uncommon in such reports. Nonetheless, there was generally a forward direction on that proposal from the inquiry, which included Greens, Liberal, Nationals and Labor members.

I express my thanks to the committee members for their contributions: the Hon. Daniel Mookhey, the Hon. Greg Donnelly, the Hon. Ben Franklin, the Hon. Taylor Martin, Reverend the Hon. Fred Nile, Mr David Shoebridge and the Hon. Natalie Ward. I also thank the inquiry participants, who were quite passionate in their engagement and advocacy to address the evils of modern slavery—let us not forget what we are talking about.

Finally, I thank the committee secretariat for its professional support and hard work, as always. In particular I acknowledge Jenelle Moore and Sharon Ohnesorge for their support of the inquiry and the report. With those brief words, and having picked up on the Government's response, I commend the report to the House.

**Debate adjourned.**

**PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE**

**Report: Sydenham-Bankstown Line Conversion**

**Debate resumed from 12 May 2020.**

**Ms ABIGAIL BOYD (18:22):** As Chair I call on the House to take note of the report of the inquiry into the conversion of the Sydenham to Bankstown T3 line to the proposed Sydney Metro Southwest. The inquiry was conducted by Portfolio Committee No. 6 – Transport and Customer Service. I acknowledge the contributions of my fellow committee members: deputy chair the Hon. Mark Banasiak, the Hon. Anthony D'Adam, the Hon. Daniel Mookhey, the Hon. Shayne Mallard, the Hon. Scott Farlow and the Hon. Wes Fang. I also acknowledge the hard work of the Legislative Council committee staff, who provided my team and me with such tremendous support throughout the entire process. It was my first inquiry as chair of the transport committee, and I thoroughly appreciated all of the assistance that the committee staff gave me to help us to see our way through that process. Their knowledge and expertise is deeply appreciated and is essential to the functioning of this Parliament and to the inquiries process. It would be much harder without their professional, diligent and talented hard work.

Finally, I thank the stakeholders, community groups, local residents, planning and transport experts and relevant organisations and government bodies that made submissions to and gave evidence before the inquiry last year. Their detailed submissions and participation in the inquiry provided a wealth of information to help shape the report and the associated recommendations. The report of this inquiry, which was tabled last year, made a number of recommendations in relation to the New South Wales Government's plan to rip up and sell off the existing Sydenham to Bankstown T3 line and replace it with the privately operated Metro Southwest. The core recommendation arising from the inquiry was:

That the NSW Government not proceed with the Metro Southwest project, leaving the Sydney Metro to terminate at Sydenham, and that project funds are instead spent on connecting new communities to rail services and improving existing rail services (for example, through digital signalling).

Throughout the inquiry, Transport for NSW failed to articulate why it was necessary to remove existing public transport infrastructure only to replace it with a service of a comparable or, in a number of metrics, lesser quality. There was also no satisfactory answer as to how forcing commuters west of Bankstown to catch not two, but three different train services simply to get into the Sydney CBD, when the current T3 line allows them to catch just one, was in the best interests of the communities affected by the proposed Metro Southwest project. Aside from recommending that the ripping up and selling off of the Sydenham to Bankstown T3 line not proceed, the committee made a number of other recommendations. These include:

That the NSW Government immediately publish the full Sydney Metro City & Southwest final business case, including the final financial model and benefit cost analysis for the Metro Southwest project.

...

That the NSW Government ensure that any future projects with private partners outline more explicitly the benefits that the government foresees from privatisation in comparison with a project which would result in the relevant public transport assets and services being held in public hands.

I was very disappointed to see the response from the Government to the latter recommendation in particular. The Government's response stated:

The committee has either fundamentally misunderstood or actively ignored the structure of the project, notwithstanding repeated attempts by the NSW Government and witnesses to clarify this point. It is not and has never been a privatisation.

I refer the Government and the Minister to the statement in the report that very clearly talks about the privatisation of the services as opposed to the assets involved in the project. The Government can call the project what it likes, but when it replaces services operated by a government entity with services operated by a non-government entity—that being a private entity—it is a privatisation of those services. I do not think one needs a dictionary to work that out. Another key recommendation stated:

That the NSW Government review its consultation processes and develop and implement a mandatory consultation strategy which is focused on genuine and meaningful community consultation.

These recommendations arose from a number of concerns that were brought to the committee's attention throughout the inquiry process. Particularly of note was that in failing to articulate the need to spend billions on

an infrastructure project simply to replace a perfectly functional train line with a metro service of comparable status, the New South Wales Government refused and, to this day, continues to refuse to release the final financial model and benefit-cost analysis for the Metro Southwest. The Government's response to the inquiry's recommendation that it release the full business case was that it had released the summary business case. That is not really a response to the recommendation at all. We look forward to seeing that full business case one day. One cannot help but wonder, if this project is really all that the Liberal-Nationals Government purports it to be, why is the Government so reluctant to publish that information and show us the basis on which it has decided to greenlight the project?

It also became apparent as the committee heard from residents that the consultation with impacted communities had been lacking. As such, we made a clear recommendation that the New South Wales Government consider and review its consultation processes going forward. It is vital that communities are adequately informed about the impacts that any proposed infrastructure projects will have on their livelihoods, and also that they be given the chance for that feedback to be considered by the Government when designing projects of this kind. Again, arrogance was shown in the Government's response to this particular recommendation, saying that it categorically rejects the finding that there was not genuine and meaningful community consultation. We heard evidence of Opal data being used as a form of consultation. That is not consultation. Consultation is actually hearing the views of community and perhaps adjusting one's own views accordingly and making amendments to the project.

That arrogance is on full display in the background statement to the Government's response, where it responded to the entire report by picking up on the dissenting report and saying that this is all just political. The committee held three days of hearings, we trawled through thousands of pages of submissions and we made very detailed, considered findings. Yet the response from the Government to that level of consultation is that this was a coordinated political campaign to put in place some kind of Labor election promise. I am not part of the Labor Party and that is certainly not why The Greens listened to the community and established the inquiry in the first place.

In addition, two other sets of recommendations were made. The first was that the New South Wales Government restore regular, direct services to the city via Lidcombe for those stations west of Bankstown affected by the conversion. I am happy to report that this recommendation has been adopted and implemented by the New South Wales Government. The inquiry heard from many residents about the difficulties that they faced when the former Inner West line was decommissioned. To have the line reinstated has been life changing for the many commuters who depend on these services. We made one last set of recommendations: If the New South Wales Government were to proceed with the proposed Metro Southwest project, certain steps should be taken to minimise its impact on heritage, local amenity and biodiversity.

These steps included that the Government ensure that all heritage aspects of the Sydenham-to-Bankstown corridor, including train stations themselves, are retained and protected for future generations; that Sydney Metro and Transport for NSW review the design for the Bankstown interchange in collaboration with the Department of Planning, Industry and Environment and the Canterbury-Bankstown council; that the Government provide additional resources to the Inner West Council and Canterbury-Bankstown council for the purposes of collaborating on the Metro Southwest project to ensure optimal project outcomes can be achieved; and that the Government review the biodiversity management strategy of Metro Southwest, including vegetation and fencing requirements to ensure that all wildlife and vegetation in the affected rail corridor experience minimal project impacts and are adequately protected and supported in recovery.

#### **Debate adjourned.**

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

### **STANDING COMMITTEE ON STATE DEVELOPMENT**

#### **Reference**

**The Hon. SAM FARRAWAY:** On behalf of the Hon. Taylor Martin: According to paragraph 8 of the resolution establishing the standing committees, I inform the House that on Tuesday 8 December 2020 the Standing Committee on State Development resolved to inquire into the following reference from the Minister for Energy and Environment, the Hon. Matt Kean, MP:

That the Standing Committee on State Development inquire into and report on the current state of, and opportunities for, the development of a hydrogen industry in New South Wales, and in particular:

- (1) The size of the economic and employment opportunity created by the development of a hydrogen industry in New South Wales, in particular those opportunities for regional New South Wales, including having regard to:



- (a) the emerging domestic and international trends in the production and demand for hydrogen, including in South Korea, the Netherlands, Japan and other Australian States and Territories; and
- (b) New South Wales' existing and potential linkages to those markets.
- (2) The State's existing hydrogen capabilities, including:
  - (a) New South Wales' research and development capacity for all elements of the hydrogen supply and demand chain, including existing research and development work of the government, academic and private sector; and
  - (b) The State's energy and industrial infrastructure which could support the production, storage, distribution, use and export of hydrogen.
- (3) The capacity of and barriers to New South Wales becoming a major production, storage and export hub for hydrogen, including New South Wales' capacity to:
  - (a) develop and commercialise hydrogen technologies;
  - (b) manufacture and export hydrogen production componentry, including electrolysis componentry;
  - (c) manufacture and export hydrogen storage and transport infrastructure, including in heavy transport and shipping vessels;
  - (d) generate green hydrogen through renewable energy sources;
  - (e) use hydrogen for transport;
  - (f) use hydrogen in its own industrial processes, such as in steel, aluminium and chemical production;
  - (g) use hydrogen for electricity generation, including the feasibility of retrofitting existing and proposed electricity generation assets to use hydrogen; and
  - (h) manage the safety and safeguarding of hydrogen utilisation.
- (4) The economics of hydrogen's use in different sectors of the economy, including emerging opportunities to use hydrogen in industrial processes and as a feedstock.
- (5) The infrastructure, technology, skills, workforce capabilities and other things needed to realise the economic opportunities of hydrogen as and when it becomes commercial in different sectors of the economy.
- (6) The actions needed of the public and private sectors to support the development of a hydrogen industry in New South Wales and to realise the associated economic opportunities, including actions to manage any safety risks in the hydrogen industry.
- (7) The potential for jobs in New South Wales, both directly in the hydrogen industry and in other industries powered by hydrogen.
- (8) Any other pertinent matters the Committee wishes to draw to the Government's attention in this regard.

## **STANDING COMMITTEE ON LAW AND JUSTICE**

### **Extension of Reporting Date**

**The Hon. WES FANG:** By leave: I move:

That the reporting date for the Standing Committee on Law and Justice inquiry into the Mandatory Disease Testing Bill 2020 be extended to Friday 30 April 2021.

**Motion agreed to.**

## **PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS**

### **Extension of Reporting Date**

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

That the reporting date for the Portfolio Committee No. 5 - Legal Affairs inquiry into the Provisions of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 be extended to Tuesday 27 April 2021.

**Motion agreed to.**

## **PUBLIC ACCOUNTABILITY COMMITTEE**

### **Reference**

**Mr DAVID SHOEBRIDGE:** According to paragraph 9 of the resolution establishing the committee, I inform the House that on Monday 1 February 2021 the Public Accountability Committee resolved to amend the terms of reference for its inquiry into the integrity, efficacy and value for money of New South Wales Government grant programs to table a first report by 31 March 2021 and a final report by Thursday 29 July 2021.

**PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT****Extension of Reporting Date**

**Ms CATE FAEHRMANN:** According to paragraph 6 of the resolution establishing the portfolio committees, I inform the House that on Wednesday 10 February 2021 Portfolio Committee No. 7 - Planning and Environment resolved to extend the reporting date for its inquiry into rationale for, and impacts of, new dams and other water infrastructure in New South Wales in two parts, providing a first report by 22 March 2021 and extending the final reporting date to Tuesday 15 June 2021.

*Presiding Officers*

**PRESIDENT OF THE LEGISLATIVE COUNCIL****Dissent**

**Debate resumed from 24 November 2020.**

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

That the order of the day for dissent from President's ruling be discharged from the *Notice Paper*.

**Motion agreed to.**

*Matter of Public Importance*

**PUBLIC SECTOR WAGES**

**The Hon. MARK LATHAM (20:07):** I move:

That the following matter of public importance should be discussed forthwith:

The importance of wage justice in New South Wales.

The importance of wage justice in our State has not dissipated with the summer break. In fact, it has become more pressing as we come out of this recession, but still the New South Wales Government refuses to pay any reward to the true heroes of the COVID response. It is quite ironical when there is so much talk from this Government about its supposed world best practice response to COVID. Whether or not that is true, it begs the question that if the response has been so good, why is there not a financial reward for those who have been truly responsible? The police, nurses, ambos and paramedics—the frontline workers—have made such a difference in New South Wales. It is outrageous that those who went onto the front line a year ago against this virus—with so much uncertainty and speculation right across the community that it was a genuine killer—have done such an outstanding job. Do they not deserve some wage justice and some recognition for their work?

Instead what frontline workers got, along with every other public sector worker in the State, was their agreed 2.5 per cent wage increase ripped up and an attempt made to freeze it. They went down to the Industrial Relations Commission and their wage increase is now 0.3 per cent, which is next to zero. It has always been the proposition of One Nation that at a bare minimum there should be a \$5,000 recognition payment to frontline workers. Those police, nurses, ambos and paramedics in New South Wales who have done the frontline work to keep people safe in the COVID pandemic should receive a bonus payment.

The Government is really contradicting its own rhetoric. If the response was so good, there should be financial recognition and wage justice for those workers. Instead, what we got from the Coalition Government is a wage freeze policy. What was it for? Economists would look at this and wonder what the wage freeze was all about. Was it fiscal responsibility? It could not have been that, because we ended up with a \$16 billion budget deficit at the end of last year, the biggest in New South Wales' history. There was no attempt to balance the books to have a small surplus or even a small deficit off the back of this. You could fairly say that the wage freeze was the Government's only spending cut.

You can scour the budget papers and it is the only cut that you can find. It was not done for fiscal responsibility but because of this massive \$16 billion deficit. Then you can look at how the Government wastes money. I always think the true fiscal integrity of a government can be found in the list of what I call micro-waste items. It is the small things that add up. This is a government that will spend \$5 million on an Imaginarium but nothing on the frontline workers and will give the smallest possible wage increase to public sector employees across the board. It is a government that will spend \$90,000 on a viewing platform at Glen Innes to look at a broken windmill blade. You can imagine the kids—"Mum and Dad, don't go to Macca's or KFC. Let's go have a look at the broken windmill blade from a viewing platform at Glen Innes that has cost the taxpayers of this State \$90,000."

As we speak, it costs \$120 a night to guard a misjudged mural in Erskineville. Another item was sent to me the other day—Inspiring Australia NSW is funding an event in the botanic garden for 500 queer scientists. I do not know why scientists need to be queer or non-queer. They are scientists who make discoveries and do the work. I do not know what sexuality has got to do with science. Then the Department of Education spent \$35,000 on a yarnning circle.

**The Hon. Damien Tudehope:** Point of order: I want to clarify if we are debating whether the matter of public importance ought to be discussed or if we are in fact debating the matter of public importance.

**The PRESIDENT:** The Hon. Mark Latham had 10 minutes and he now has five minutes left to argue why this matter is of public importance and why it should be debated. The Government will then have 10 minutes to have its say and then members will vote on it. If the vote is successful, the matter can proceed to the substantive argument. It is a bit like a matter of urgency where we talk about why it is urgent. In this case, we are talking about why it is a matter of public importance rather than going into the substance of the debate.

**The Hon. MARK LATHAM:** That is what I am doing, on the basis that the matter has public importance because the money is being spent by a profligate government. It is being wasted in many areas instead of being—

**The Hon. Don Harwin:** We are not opposing the substantive discussion.

**The Hon. MARK LATHAM:** You are not opposing the debate taking place? I am happy to use my subsequent 15 minutes to outline the matters, but if the Leader of the Government had said that to me at the beginning then we would not have had this debate. If the Government wants to agree to the motion under the power of my persuasion, I am very happy to hear that.

**The PRESIDENT:** I will put it to a vote. Government members have indicated they do not wish to say anything. The question is that the motion be agreed to.

**Motion agreed to.**

**The Hon. MARK LATHAM (20:12):** The points need to be made because there is no wage justice in the New South Wales public sector. I outlined all the micro-waste items that add up and show that the Government essentially will spend money on anything—anything except a wage increase for its own staff, particularly the frontline workers. Then we come to the macro-waste items. This is a government that spends \$93 million on the big four accounting and consultancy firms in Sydney. The Government needs to bring in consultants because all the other staff are working on a Jim Betts-style harmony and reconciliation ABC book club cultural sensitivity committee. Why would the Government not use that \$93 million to honour its wages agreement to pay frontline workers in particular the money they deserve in response to COVID? Why would the Government not honour the agreement it had in place for wage justice in New South Wales?

The Government has also spent \$90 million for two parks in the electorate of Hornsby. That is an extraordinary amount of money for one of the Premier's favourites, Mr Kean. The Government has also proposed billions of dollars to raise the dam wall at Warragamba for a river that has not flooded this century. This is all money that could have been paid to public servants for wage justice. Instead, billions of dollars are spent on ripping up the perfectly fine Sydenham-Bankstown rail line and replacing it with the metro. This is a government that will spend billions of dollars on wrong projects like the Badgerys Creek metro that defy cost-benefit analysis instead of paying money to public servants through wage justice.

This is a government that is spending \$800 million on a Powerhouse Museum at Parramatta that nobody asked for and that turns out to be in a flood zone. The most popular exhibition at the museum will be the lost city of Atlantis as people have a look at the flooding on the bottom floor. Is it a sort of a cargo cult where there are all those barbarians out there in western Sydney? Does the Government think if it gives them a museum, maybe their miserable lives will be a little bit better? I can guarantee this: You could walk up and down the main streets of the cities in western Sydney for years on end and you would never find someone whose priority was spending \$800 million on the Parramatta Powerhouse. A lot of people would say they work for the Government and they want their 2.5 per cent wage increase.

The waste and mismanagement of this Government has been extraordinary. I think I have set out a very strong case for why the funds were available to honour the 2.5 per cent increase and why it should have been paid instead of spending money on wasteful micro and macro projects. Then we come to the private sector, because wage justice is also a matter for private employees. Paul Keating recently made a very good point that in Australia—and one assumes also in New South Wales—there has been a 10 per cent increase in productivity over the past decade, but none of that has flowed on to private sector employees. A lot of people have not had a wage increase for seven or eight years, and they are doing it tough financially.

With the decline in immigration numbers because of COVID, one would have thought that the labour market would not be flooded and there would be a chance for a wage increase. But in fact, because of the recession and the increase in unemployment, private sector wages will remain suppressed. The only logical thing to do in this New South Wales economy to deliver private sector wage improvements is to go for growth. The Government talks about that, but its growth strategy is skew-whiff. The Government says that the money that was saved on the wage freeze has gone into public works, and some of that is true. But is that where we really need the economic stimulus? The truth is that against the odds, even in an environment with low immigration numbers, the construction boom in New South Wales has continued apace. In major cities like Newcastle the homebuilding companies will tell you they cannot get enough tradies. That sector has kept the economy alive.

The Government has topped up public works when really the money should have gone into increasing the spending power and business confidence of public sector employees. We heard some data from the finance Minister earlier in the day, but the data is coming off a low base. The truth is the economy needs a boost in spending power. In one respect, the Government acknowledges that; it is paying the cafe and restaurant vouchers. But for public servants in New South Wales it has very much been a case of robbing Peter to pay Paul. The Government denied them their wage increase but then gives them vouchers to spend at a cafe or restaurant. That is a confused, mayhem-type policy. It is not clear economic thinking.

What we need is a boost in spending power by increasing public and private sector wages to rebuild confidence particularly in the hospitality and retail sectors. Economists would condemn the wage freeze by this Government—not just for the fiscal ramifications and the irresponsibility in other spending but because it is the wrong macro-economic strategy. You have to build up business confidence by making sure people have disposable income to spend in the areas of the economy that have been knocked around by COVID. The Government has got to go for growth, and this has been the wrong strategy to maximise growth in New South Wales.

On top of that, the Government has got to do more to stimulate the private sector. We heard an example just in the past week of how this Government really does not care about the drivers of private sector economic growth—the appalling Independent Planning Commission decision at South32 mine in the Illawarra. For the Illawarra right now there is no wage justice because of the real threat of job losses. BlueScope Steel told the commission it needs the seam 3-quality coking coal. It has other financial pressures—its investors essentially made it invest in a solar farm at Wagga Wagga that is not much use in terms of energy security—and it has the challenge of refitting the No. 6 blast furnace, which has cost \$600 million, as the No. 5 blast furnace comes to the end of its natural life.

I would think there would be a cascade—a parade—of Government Ministers saying that we need the energy and resource security for BlueScope Steel so that we have got steel manufacturing in the Illawarra, the protection of the 3,000 jobs at BlueScope, 1,000 mining jobs, and indirectly 16,000 extra jobs with a multiplier effect—20,000 jobs in the Illawarra. Instead, John Barilaro is saying the decision by the Independent Planning Commission [IPC] should be overturned, but the Premier, the planning Minister and the energy Minister have all said they want to stand by the IPC, and we have heard very little from the Australian Labor Party.

There is all of this talk that we have got to make things in New South Wales, but nothing is being made without steel, and BlueScope provides 60 per cent of the steel output in Australia. It is an absolutely essential industry and the cost pressures are knocking it around. Now it has got a dreadful decision by the IPC, which puts up the false proposition of scope 3 emissions and, worst of all, ignored the plea from BlueScope that the coking coal from the mine is absolutely essential to its future viability. That is an industry in crisis because of government inaction. Then we can go to the failure of energy policy across the board; again, unless we have viable energy security and affordability in New South Wales, we are not going to have the jobs that produce wage justice.

**Mr David Shoebridge:** Point of order: This has strayed so far from wage justice. Talking generally about the economy and then at some point saying, "Oh and the economy relates to wage justice," is hardly an argument.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** There is no point of order.

**The Hon. MARK LATHAM:** In The Greens' world the economy relates to very little, but in the real world unless there are jobs and economic growth, there is no upward pressure for wages; that is the reality in the private sector. I have addressed all of the public sector issues about wage justice but there are huge private sector wage justice issues in an economy where many workers have not had a decent wage increase for seven or eight years. The productivity has been there but because of failures of government policy and failure to maximise economic growth in the private sector we have just not had the upward wage pressure.

We need to recapture that in New South Wales and unfortunately the evidence shows that in the vital energy sector the plan legislated by this Parliament at the end of last year has already been a failure in terms of

affordability and security; it is a wrecking ball. It is actually producing divestment—divestment at Vales Point, divestment with the two gas-powered stations and divestment with the AGL battery project at Liddell. They are things that have either been lost or put on hold and it shows that the Government does not have a viable private sector economic strategy to put upward pressure on wages by tightening the labour market and generating more employment in New South Wales. They are major failings and the truth is, when one looks at the tragedy of what is happening with the South32 mine in the Illawarra, there is an anti-resources, anti-energy and anti-mining attitude in this Government, and that is clear across the board.

John Barilaro makes a brave rhetorical attempt on all of those issues and says, "Let's go for growth. Let's go for employment. Let's go for higher wages in the New South Wales economy." Inevitably—you can almost set your watch by it—he will make those statements on day one of the issue and the debate and then a few days later the green Liberal Ministers come out and say, "We are not worried about coking coal and steelmaking in New South Wales. We are not worried about energy security. We think we can solve the problems of the world on climate change by destroying mining and resources and manufacturing in New South Wales." That is a tragedy. We are hollowing out what should be a viable resource-, mining- and manufacturing-led economy in New South Wales. In terms of wage justice, it is a complete and utter disaster because it adds to unemployment coming out of the recession. I think it is a critical debate.

We talk about standards of living in New South Wales and pressure on working families; that is real, particularly in an environment where people have lost their jobs, have had their hours reduced or are on JobKeeper, and then the real impact will be felt. One only needs to look at the centre of Sydney where the Government promised to bring office workers back into the CBD. That has not happened and the place is like a ghost town; hospitality and retail have been hit for six. Then go to the outer suburbs where theoretically the activity has moved but the train station commuter car parks are still empty and there is a feeling that the economy is still on its knees. All of that is bad news for working people holding down a job and then on top of that getting some kind of wage increase.

One would have to despair that under this Government we have moved into a wages policy where nobody gets ahead. There has been the wage freeze for the public sector despite all of that other spending, waste and mismanagement—money going out with no discipline—but the workers, particularly the frontline workers, are not getting any assistance whatsoever. In the private sector there has been a running down of resource, mining and manufacturing employment and building up strategies that go for growth; it has been an absolute failure in that regard. The Government might well say that it has had the world's best practice COVID response, but look at its economic policies, which are a hell of a long way from that. I hope that there is an agreement around the Chamber that the money should have been paid to the public sector employees, particularly those on the front line who took all of the risk—some of it now forgotten. It has been forgotten just how risky and dangerous it was 12 months ago for the police, nurses, paramedics and ambos who were out on the front line.

In the private sector we need to do a lot more to build up economic growth by taking the shackles off resource development, mining and manufacturing. We have still got the ban on nuclear power and the ban on uranium mining. From the crossbench we have tried to put forward policies, initiatives, committees and inquiries to take the shackles off the New South Wales private sector economy to stimulate employment and wages growth and none of it ever comes to fruition—none of it ever comes about. Sadly, one can go to regions like the Hunter Valley, which has a new Parliamentary Secretary, and every second politician goes there with a plan to destroy jobs and not create them. Those trying to do the right thing—like moving forward with the Newcastle night economy, tourism and hospitality jobs—have so many obstacles. That is hard work and we make it harder on ourselves when the Government has a false attitude about the environment, instead of recognising that Australia is such a small player globally and we should be developing our jobs for working people.

At the end of the day, working people do not ask for much; they want food on the table, a roof over their head and a good education for their children. The Government should be able to deliver that with improved living standards. I hope we hear a lot more noise from the Labor Party in this debate about its support for steelmaking in the Illawarra and its support for the South32 coking coalmine. Without those things we become a hollowed out economy, where there is a bit of retail in the recovery, a bit of hospitality and a bit of government employment but we have not got the driving engine of mining and manufacturing upon which the New South Wales economy has always relied so successfully.

Working people want to hear the Labor Party saying those things in particular because the loss of 20,000 jobs in the Illawarra is a looming tragedy. When we look at what is happening in the Hunter Valley, it is another tragedy that is unfolding and it is the working people who cop it. As the Hon. Anthony D'Adam said in his first speech to this House, when there is economic restructuring, his experience is—and logic tells you—that it is working people who cop it in the neck. They have copped it from this Government in the public sector with the wage freeze and they are copping it in the private sector with inadequate policies that hold back growth.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:27):** I make a contribution on behalf of the Government on this matter of importance. The New South Wales Government is the biggest employer in the State. It represents over 10 per cent of the State's total workforce. Since 2011 the Government has committed to a policy of fair working conditions and allowing increases in remuneration and other conditions of employment for its now over 400,000 workers, all within a framework that maintains fiscal sustainability.

It is appropriate to highlight the key principles of the Government's wages policy. They include an entitlement to guaranteed minimum conditions of employment, including statutory leave entitlements, superannuation and part-time working arrangements; equal remuneration for men and women doing work of equal or comparable value; and the ability for increases in remuneration or other conditions of employment which can be offset by employee-related cost savings. Those fair and reasonable parameters have underpinned the Government's wages policy since its election nearly 10 years ago. Our policy provides public sector workers with a well-rounded work environment, allowing for a suite of working conditions to complement a decent wage.

The New South Wales public sector has a smaller variation in wage spread when compared to the private sector, meaning that workers in the public sector are generally more highly paid when compared to those in the private sector. This makes the public service a highly attractive choice for competent and capable graduates seeking their first job. Conversely, in the public sector there is more restraint in paying senior executive salaries when compared with the private sector. A more equitable distribution of salaries along the salary spectrum is part of a just wages framework. The wage bands for executive-level remuneration, including statutory appointments, are considered by independent tribunals. This allows for an arms-length assessment in the setting of senior level salaries.

In May 2020 the New South Wales Government announced a 12-month pause on wage increases for public sector employees. This included all officer level and senior executive positions and was the first change to the Government's public sector wages policy in nine years. Over that time, the Government has maintained State and local public sector wages at an average annual increase of 2.6 per cent. This level of increase has provided growth in real terms above inflation of 0.7 per cent per annum on average, which is well above that of the private sector. Members will appreciate the extraordinary circumstances in which the decision for a wage pause was necessary. It was necessary to alleviate the impact of the COVID-19 pandemic on the New South Wales economy and budget.

In October 2020 the wage pause became the subject of proceedings before the Industrial Relations Commission when the full bench handed down a decision providing for an increase of 0.3 per cent to maintain real wages for public sector employees. Importantly, it should be noted that equity has been maintained in this decision, as the wage increase of 0.3 per cent applies across the board to senior executives and statutory officeholders. In the current circumstances the Government's obligation and focus is to spend public funds on generating jobs and rebuilding the economy. Fiscal restraint on wages in the public sector allows the Government to pivot to policies that will drive employment opportunities and wage growth in the private sector. For example, the Government is investing \$107 billion on vital infrastructure across the State over the next four years, supporting the construction of productivity-enhancing assets to boost economic growth.

In May 2020 the Government's \$3 billion Jobs and Infrastructure Acceleration Fund was established and it is a key plank in the plan to support jobs during the COVID pandemic. The fund has contributed to more than 100 infrastructure and local community projects across the State that have supported up to 20,000 direct and indirect jobs. Many of those projects are in regional areas, where 12,000 jobs have been created through the fund. NSW Treasury forecasts that the State's economy will triple in size to as much as \$2 trillion after 2040. That growth will be driven by the State's strong financial position, high levels of education and a focus on innovation.

With respect to employment opportunities, wage levels and the magnitude of award rates of pay will have a significant bearing on the success of those projects and the Government's long-term goals. A stable wage environment is therefore critical. The virus containment phase in early 2020 had a significant impact on the New South Wales labour market, but since then the signs have been promising. Unemployment was at 6.4 per cent in December 2020, remaining lower than the national average. The Government is committed to encouraging further workforce participation and maintaining the jobs regained. The best way to support the economy and create jobs is to get New South Wales working again, and the Government's five-point recovery plan is focused on deregulation, productivity, tax reform, digitisation, and trade and investment. It is making it easier to get back to work and is reducing the cost of doing business, with grants and tax deferrals. The Government is supporting businesses in keeping their doors open and their employees in work.

With respect to wage growth, governments should seek to drive increases primarily through the levers available to them. This includes lowering the tax burden, reducing red tape and implementing other improvements to productivity. It is incumbent on governments to provide employment opportunity, and thus economic equity, by establishing and maintaining an environment that allows business to thrive. This Government has done that

through a suite of measures designed to stimulate the economy as outlined in the budget, including a \$2.1 billion saving to businesses via a payroll reduction from 5.45 per cent to 4.85 per cent in 2021 and 2021-22; a \$744 million saving to businesses via an increase to the payroll tax threshold from \$900,000 to \$1.2 million, reducing the payroll tax impost to offering employment; and a \$500 million allocation for the Dine & Discover scheme to encourage New South Wales residents to dine out at restaurants and cafes, and to support the arts and tourism sectors. This scheme will help to stimulate the hospitality sector, which was so adversely affected by COVID-19 restrictions. Finally, a \$427 million allocation for a digital voucher scheme to provide rebates to eligible small businesses for up to \$1,500 against the cost of government fees and charges was announced, again lowering the cost of doing business.

Those measures, along with the suite of others announced in the budget, are expected to support an average of 27,000 jobs per year over the next four years, with a particular focus on the next 12 to 18 months. The Government remains committed to providing its workforce with healthy remuneration and working conditions while establishing an environment that drives employment opportunities and wage growth in the private sector. There is no wage justice without a healthy economy. The people of New South Wales deserve a government that will ensure that the economy works in the most efficient manner possible to deliver the best outcomes. This framework is imperative to ensuring decent wages and wage justice more broadly.

**The Hon. ADAM SEARLE (20:37):** I make a contribution for the Opposition to this important debate on wage justice. It will surprise no member in this Chamber to learn that the Labor Party supports wage justice. Labor members are concerned with how the world of work impacts on the individual and society, primarily with how public policies affect everyday citizens living in our towns and suburbs right across the State. Throughout its history the Australian Labor Party has been concerned with the practicalities of delivering social and economic change that can be observed and measured in everyday life, including industrial arbitration to ensure fair pay; workers compensation insurance; a good education system, including schools and TAFE, to ensure people have the skills to earn a decent living and be socially mobile; a health system where your access to medical attention comes from your Medicare card and not your credit card; and occupational superannuation to ensure dignity in retirement.

In those and many other areas, Labor governments at State and Commonwealth level have developed and delivered distinctive policies informed by the notion that inspired the Labor political project: providing people with meaningful access to public goods that enrich life because they are part of a community and not on the basis of social or financial privilege. How we regulate work and workers' individual and collective rights says a lot about the power dynamic in our society. In office, Labor has delivered frameworks that emphasise collective approaches to wage-fixing—whether through awards or industrial agreements—encouraged by collective institutions, including unions and employer associations, and supervised by specialised tribunals and courts composed of persons with expertise in the field of employment. Touching on the contribution by the Leader of the Government, I make the point that in the past decade not only has this Government systematically run down the State's Industrial Relations Commission [IRC], but also it has yet to appoint a person who, at the time of their appointment, had a substantial role in representing either unions or workers. Only one of the commission's five members, I think, has had any background in working with or representing workers.

A clear perspective on wage fixing and resolving employment disputes is clearly missing from the Government's crucial institution that is meant to supervise these matters, which gives a window into the soul of the Government on the issue. In New South Wales, changes brought about by the current Coalition Government since 2011 have stripped the IRC of its power to set fair wages and conditions because of the one-size-fits-all wages cap. The commission has now been reduced to only a handful of members, who struggle to keep on top of their work—including appeal panels—because of their limited numbers. Work safety laws have been watered down and their enforcement moved into the regular court system. The Industrial Court has been abolished and public sector employment rights have been seriously eroded.

In his contribution the Leader of the Government talked about wage restraint. The wages cap in place for a decade has certainly clamped down on the wages of regular public sector workers, but this Government has had a very different approach to the wages of senior managers. Wage growth at senior levels has far outstripped that of regular award-covered workers in the public sector. Last year the new agency Resilience NSW was created, with its head given a massive promotion in pay and conditions from that which had been previously enjoyed. We also saw special deals for the police commissioner. I am not disrespecting any of these people, but they are getting pay increases far above those of regular workers in the agencies that they supervise. Recently the Government abandoned its wages policy of 2.5 per cent. Last year workers only received an increase of 0.3 per cent while inflation was running at nearly 2 per cent. This year the Government says the wages cap will be set at 1.5 per cent, not 2.5 per cent.

It is not just a wage pause for one year. The failure to give a fair and reasonable pay increase commensurate with the role the public sector played in delivering the services we all needed to get us through the pandemic results in a permanent pay cut for those workers that will compound year after year, eroding not only their income but also their retirement income. Their superannuation remains permanently compromised. The cumulative effect of these policies and of those pursued by the Coalition at a national level has been the effective loss of industrial arbitration for wages, attacks on unions across industries and the acceleration of casual, contract and other forms of insecure and impermanent work to the point where our country now has record rates of temporary work. All of this has resulted in the flat wages growth that we see today. The share of national income going to profit is increasing, while the share going to workers is equal to the lowest level since the Second World War. If this continues, capitalism really will eat itself. People will not be able to get loans. They will not be able to buy cars, much less a home. They will not be able to take holidays.

The pandemic highlighted the problem of people in insecure work not having paid pandemic leave. It is a real problem, but it is not new. It is a phenomenon that has existed for many years, affecting not only casual, contract and temporary workers but also those who are now called gig workers. It is really the digital version of the Hungry Mile, where every day people have to see whether the work will turn up. Many people say this is good because people can set their own hours and work as much or as little as they want. The truth is that they can only work when work is offered. They have no right to bargain, no right to union representation and no legal right to a fair minimum rate of pay. In the twenty-first century, how can a whole cohort of our brothers and sisters in the community not have the legal right to a minimum rate of pay? It is not a novel or outrageous proposition.

I note that the Leader of the Government talked about the various measures that this Government has adopted to stimulate the economy, but not one of the four measures he outlined is stimulatory. Yes, businesses that are affected will save money that they would otherwise pay in taxes or charges to the State Government, but there is no guarantee that those businesses will actually put on new workers or that the measures will save existing jobs. The only one of those measures that is truly stimulatory is the Dine & Discover NSW voucher scheme. If that is the best this Government can do to combat the economic slump caused by the pandemic, we really are in deep strife.

It seems to be the best those opposite have to offer. They say they will put \$3 billion into the infrastructure spending fund off the back of cutting the wages of public sector workers. Modelling from the Australia Institute and talking to other economists shows that the best stimulus measure would be to use that money for pay increases for public sector workers. That would not just benefit public sector workers; the money would be spent in every town, village and suburb right across the State, stimulating every local economy and retaining and supporting existing private sector jobs as well as helping those in the public sector.

The Government's approach has been self-defeating and will narrow economic growth. As we have seen, the Government does not always deliver big infrastructure spends properly or on time. We know that the cost blowouts on projects such as WestConnex have swallowed the entirety of any economic benefit to the State brought about by the mass electricity privatisation that the Government oversaw after the 2015 election: \$13 billion from privatising electricity, and \$13 billion in cost blowouts and overruns on major infrastructure projects. Privatisation of electricity and of the land and property information system has narrowed the revenue base that the Government has available to it to provide basic services to society, doubly impacting the State during a crisis like the pandemic.

The Labor Party supports wage justice for workers, not just in the private sector but right across the workforce. This Government clearly has not been equal to that task over the past decade and clearly is not equal to the task of rebuilding our economy in a post-pandemic situation. While I may not agree with all the observations made by the mover of the motion, it is quite clear that this Government—as we can see from the bloodless offering from the Leader of the Government, which was a very narrow and technical speech written, no doubt, by his staff—has no solution and no commitment to working people who go out every day and work hard to put a roof over their head and meals on the table for their family. Labor supports wage justice for all workers; we only wish this Government had the same inclination.

**The Hon. SCOTT FARLOW (20:47):** I speak about wage justice. The importance of a wage comes from the importance of a job, and a job comes from a strong economy. A strong economy is critical in driving prosperity for New South Wales citizens, creating quality jobs and improving quality of life. New South Wales has the largest economy of any State in Australia. We are the only State with a \$0.5 trillion economy, with a nominal gross State product [GSP] of \$629 billion in 2019-20. Of course, 2020 changed all that. There is no doubt that our economy has experienced unprecedented challenges in recent history. While the economy grew at an above-trend rate over the four years to 2018-19, the combined impact of drought, bushfires and COVID-19 saw the New South Wales economy contract in 2019-20 for the first time. The decline in GSP was the third worst across the States after



South Australia, which was down by 1.4 per cent, and Queensland, which was down by 1.1 per cent. Our per capita GSP fell by 1.8 per cent—weaker than the national result, which was down by 1.7 per cent.

Despite these unprecedented challenges, the New South Wales economy is rebounding and is on the road to recovery, thanks to the actions of the Government, businesses across the State and, of course, the people of New South Wales. New South Wales is not alone in this, nor is Australia. When we look worldwide at the tragedy of COVID-19—not only in terms of people's health, but also in terms of people's livelihoods—we see that gross domestic products contracted in 2020 by 11.4 per cent in the United Kingdom, 5.3 per cent in Japan, 5.3 per cent in Canada, 7.6 per cent across the Eurozone and 7.9 per cent in India. In comparison, here in New South Wales and Australia we have done better than many other jurisdictions when it comes to our response to the pandemic in keeping people in good health, and also when it comes to livelihoods and business activity.

In his speech the Hon. Mark Latham talked about the management that the Government prides itself on when it comes to COVID-19. That management has strived to keep the people of New South Wales safe, and in the main we have been able to do that during the pandemic much more ably than the rest of the world. We have also been able to keep our economy open. We do not have to look very far to see other States and their approach. New South Wales has always maintained open borders with every State, except for Victoria when it had over 100 cases a day. New South Wales has always tried to keep its economy open and as many businesses as possible operating. That is very different to the situation with other States that have closed borders and closed down their economies when they have had cases in single digits.

The strength and diversified nature of our economy has put New South Wales in a much better position than our counterparts to plot a path through the current challenging environment, even though New South Wales has more exposure than other States to international tourism, being the gateway to Australia. Since March 2020 the New South Wales Government has made almost \$29 billion available to support communities, businesses and the economy as part of its package of responses, recovery and reform measures. The Leader of the Government outlined some of the Government's initiatives to ensure that businesses and our community are supported. Of utmost priority to the Government is the ability to create more jobs because many jobs have been lost during the pandemic, but we are slowly on the path to rebuilding. Part of that rebuilding comes from the \$2.1 billion that we have been able to provide businesses in savings via payroll tax reductions by reducing the rate from 5.45 per cent to 4.85 per cent for 2020-21 and 2021-22, and \$744 million in savings to businesses via an increase to the payroll tax threshold from \$900,000 to \$1.2 million. We have taken more businesses out of the payroll tax scheme to create more jobs.

There is also the Jobs Plus Program, with \$250 million to try to encourage businesses to create more jobs in New South Wales and relocate their headquarters to our State. Last week we heard that more than 250 businesses have now put in expressions of interest to create more jobs and relocate headquarters to New South Wales. Because of programs like this—being able to reduce payroll tax, New South Wales' approach to the pandemic and being able to provide certainty to businesses in our response—we will not be shutting down businesses in New South Wales at a whim. That approach provides confidence in businesses and more jobs across New South Wales. The Leader of the Government talked about the Dine & Discover NSW program, a \$500 million scheme to encourage New South Wales residents to dine out at restaurants and cafes, and to support the arts and tourism sectors.

When we talk about that multiplier effect—I know members opposite have somehow become advocates of trickle-down economics—and when we look at the impact of COVID on the economy, we see that particular industries have been more impacted than others. A lot of regional tourism businesses are having some of their best periods ever due to the impacts of border closures from other States and, of course, the international border closures. Many businesses, particularly in the CBD, are still doing it incredibly tough, as the Hon. Mark Latham reflected on, because of the international border closures, because of the reduction of business-to-business travel interstate and because many people are still working from home.

Having a targeted program supports jobs in businesses that are really struggling. That is what Dine & Discover NSW is aimed at—supporting businesses that are doing it particularly tough, whether they are hospitality, arts or experienced businesses that have not had a huge amount of patronage over the last year. Of course, JobKeeper will expire at the end of March. Those businesses are not talking about increasing wages, but how they can keep staff on. That is why the Government has taken the measures it has, so we can invest in programs that focus our support on businesses and workers who really need support to stay in employment.

As the Leader of the Government outlined, there is \$427 million for a digital voucher scheme to provide rebates for eligible small businesses. The list goes on and on with the support that the Government has provided to businesses across New South Wales. That support is aimed at keeping people in employment. When we have an unemployment rate in New South Wales of 6.4 per cent we need to focus on everything we can do to keep people in employment and create more employment in this State. That is what the Government is doing through

our initiatives to support New South Wales through the COVID-19 pandemic. As the Leader of the Government outlined, as part of our COVID recovery plan we are looking at the inhibitors we have in our economy, the regulations that stop business from being able to perform. We have been able to do away with many regulations during the pandemic, which we are continuing to keep off the backs of businesses so they can flourish in New South Wales. We are making it easier, not harder, for people to get back to work through grants and tax deferrals for businesses. We will support our businesses to open their doors, stay in business and keep people in jobs.

A lot has been made of the infrastructure program. That \$107.1 billion infrastructure program is keeping people in jobs through the State. It is particularly helping the construction sector, which has been one of the strong sectors in our economy. It is starting to fall off as there is less interest in residential apartment dwelling approvals at the moment, despite all of the work that has been done in planning. That is because we do not have the overseas migration that was fuelling that market in the past. That is something I know the Hon. Mark Latham has expressed concern about in the Chamber in the past.

We need to ensure that we keep people in jobs and major infrastructure jobs going. That is part of the \$3 billion Jobs and Infrastructure Acceleration Fund. We want to get infrastructure projects moved on quickly to support our economy in the period of difficulty we find ourselves in as we are on the road to recovery. That is what Government can do to plug that hole. That is what the Government has been focused on—how to keep people in jobs, how to support our economy. That is done not just through government but also through supporting the private sector. We are facing an unprecedented challenge where, through no fault of their own, businesses are ravaged. That is what the Government is doing through our support measures and to continue to keep people in jobs.

**The Hon. PENNY SHARPE (20:57):** I speak briefly on this important matter of public importance in relation to wage justice. I have listened carefully to the Government's contribution to the debate. I am unsurprised by the way in which it has addressed this debate, which is essentially to itemise the shopping list of initiatives of what it says it is doing to support wage justice. I would argue that most of the things on that list had nothing to do with wage justice but were about some of the economic settings and challenges—and I would agree with some of them—that this State is facing as a result of COVID and the flow-on from that.

As I listen to the debate tonight, I think we need to talk about real workers and real jobs, and what people are facing as they go to bed tonight and wake up in the morning. There are gig economy workers who will deliver food, if they are lucky, in the rain across Sydney tonight. At the end of their shift they will go to community food cupboards to pick up the food that they will eat tonight because they cannot cover the cost of their rent or their health care, particularly if they are international students who are basically stranded in Australia. They live job to job, gig to gig, with pay that is not fair and cannot cover their costs. We have home care workers who have been working in this sector for decades; they are dedicated people. One of the greatest things I get to do in my portfolio is talk to workers who work in home care, community services and disability care.

The changes that governments have wrought on their work mean they are now literally timed every time they help one of their clients. They have three minutes to help a client with a variety of chores; they have 20 minutes to bathe them, and they have to clock on and off with electronic gadgets that tell them how to do it. If they spend a minute longer they are not necessarily paid for it. It is wage theft writ large, and that is not wage justice. They are looking after some of the most vulnerable people in our community who rely on them every day to live independently in their homes. The way that we treat those poorly paid home care workers is a shame. They are clocking every minute that they spend with clients and that home care worker is probably the only person whom a lonely client will see that week. It should not be the way in which we consider the work of those who look after people. The Government has to take responsibility because government sets the parameters and the payments for this type of service delivery. We are doing ourselves a great disservice if we are not mentioning that.

I reflect on all the retail workers who showed themselves to be essential workers in the past 12 months, including garbos. If members watch TikTok—I am a big TikTok fan—they will see the pride of so many people who have suddenly become essential workers and who previously did not have status. The fact is that too many of them are in casualised work that they have to squeeze in between studying and doing other work, or they are relying greatly on penalty rates that are constantly under threat. In this country we have slowly but surely seen the dismantling of workers' rights and the ability of those workers to negotiate a fair day's work for a fair day's pay.

I reflect on all of our public sector workers: nurses, teachers, health workers, cleaners, police officers, ambos and those who kept the public service operating when the rest of us were in lockdown. Our public sector workers operate in every community and in every corner of this State. If anyone deserves wage justice and a proper pay rise, it is our public sector workers. However, under this Government that is not what they have received. In all its rhetoric about the need for austerity measures it has ignored government waste, mismanagement and blowouts. It has failed to recognise the impact of wage cuts on the economy. As a result, we do not see wage

justice for our hardworking public servants. Frankly, they deserve a lot more than they are getting from this Government.

I reflect on the truck drivers who keep the State going by moving goods around it. Currently they are sometimes spending up to \$300 a day on tolls just to go to work to do their job. There is no wage justice in that. There is no way for them to recoup that money. There is no discussion about what that means. We need to think about that a lot more. I reflect on the 15,000 job cuts in universities and the decisions—which are always choices—made by governments, in particular the Federal Government, that have failed to support universities and our arts and creative sector. Those decisions have led to poverty and outrageous outcomes. People have lost their homes, particularly our younger people, some of whom—if they are able to—have been forced to move back in with their families. They are unable to do work that is incredibly important to our community. Basically we have tossed those workers aside and failed to take their wage justice into account.

I am also thinking about people with disability. Those people work in a lot of disability enterprises where they are not paid even the most basic pay for their work. There is a particular subsidy for that. More attention needs to be paid to the issue. If people with disability are doing their job they should be paid properly. I reflect on unequal pay and wage justice for women. Tonight we have had many contributions to this debate from male members yet we have not actually talked about the impact of COVID and the general unfairness for women in the workplace. Women are still paid less than men for doing exactly the same job. Women's work is still undervalued across the board. Members must think about our early childhood educators, the amount of education they have to have and how little they are paid to do the incredibly important job we ask of them—they just do not get that. There is no wage justice for women. We continue to fight, particularly through our unions, to be properly remunerated for the work we do.

Finally I will talk about priorities and the difference between this Government's words and its actions when it comes to the wage justice of public servants. I give members one example: We cannot forget the debacle that isicare. None of us should forget that there were eight executives in that organisation who were paid more than the Prime Minister. Eight executives received over \$4 million in salaries and bonuses. Another 200 staff were eligible for additional bonuses. We are not talking about the cleaners who clean our schools, the people who deal with the linen in our hospitals or our teachers who were working 100-hour weeks to deliver online teaching for every kid in our schools. We are talking about executives who the Treasurer oversaw. It still astounds me that this was ever allowed to happen. No constraints were placed on it. It was seen as fair and reasonable and what the jobs market is about.

If this motion is about wage justice then the example I have given demonstrates why there is not wage justice in this State, and why it is needed. It is not unreasonable in Australia to ask for a fair day's pay for a fair day's work. We pride ourselves on it and as a member of the Labor Party I know so do members on this side of the House. But we are a long way from that. The New South Wales Government needs to stop congratulating itself for the great job it is doing and start addressing the real concerns and fears of workers who are tonight waking up to uncertain job futures. They are workers who are lacking access and pathways into work and the skills and training they need to get ahead. They are seeing our education system decline in relation to the standards and outcomes our students are able to get. All of that adds up to a dumber, less innovative State that has less opportunity and provides less support, whether it be for small businesses, farmers, public sector workers, nurses, teachers or those in the community sector. A fair day's work for a fair day's pay is not an unreasonable thing, and a lot more needs to be done.

**Mr DAVID SHOEBRIDGE (21:06):** On behalf of The Greens, I speak about the scourge of the increasing disparity between the wages of people who do the work in this State and the wages of those who supervise and direct that work. A useful point with which to start is the whole concept of a public sector wage freeze that the Government has been so keen on. It was unable to persuade this Chamber to put a freeze on the wages of nurses, doctors, ambulance workers and emergency service workers who have been keeping this State running during the terrible pandemic. It was unable to persuade members to put a freeze on the wages of teachers, who did extraordinary work in the past 12 months keeping their students engaged and dealing with extreme change. Having been unable to persuade us to put a wage freeze on those people doing the work at the front line, the Government persuaded the Industrial Relations Commission to do so instead.

It did so at a time when we need to increase economic activity and put more money into the pockets of ordinary people so it can be fairly shared amongst the State. There is no better way to share the economic wealth around the State than putting it in the pockets of 400,000 public sector workers who can then spend that in their community and keep their local community running. But, of course, the Government does not want to do it through some sort of wage equity program; it wants to choose who it gives its money to. Instead of giving the money to the people working, it will give \$10 million to one of its big corporate donors such as Mr Pratt so he can spend it on his pulp facility that has made him record profits during the COVID shutdown. It has given money to Mr Pratt

to increase the output of a facility that has made him record profits as part of his US\$1.8 billion multinational corporation. That is why it did not want to give wage equity to public sector workers: It wanted to put it in the pockets of its corporate donors. That is why it wanted to choose where to send the money. They are perfectly comfortable, it seems, with indecent salaries being given to public sector senior executives.

This is the Government that says it is okay for the Vice-Chancellor of the University of Sydney to be on a \$1.2 million salary package while the academics, who provide the actual work in those great public universities, increasingly are on casual, barely subsistence wages. The disparity between vice-chancellors' wages and academics' and support workers' wages has grown and grown over the past three decades so that the gap in New South Wales and Australia is probably bigger than in pretty much any comparable jurisdiction in the world. This Government is silent on that or eggs it on. No wonder it is silent: It does the very same in its own organisation.

The last time I looked, icare—which is meant to provide benefits to injured workers who desperately need the money—had eight senior managers each of whom was on a pay packet that was vastly greater than the Prime Minister's. They were bringing in between \$400,000 and \$800,000 a year and I think there were 200 senior executives at icare—in the public workers compensation insurance scheme—who were on some sort of performance bonus. At the end of the year they got more in a performance bonus than most injured workers received as benefits paid to them so they could survive. Those senior executives get more in their bonuses than injured workers get in their entire year under that scheme. Yet this Government pretends that it cares about these things.

If we really want to put the icing on the cake about wage injustice in this State we do not have to look past the gift that the Premier gave to the Commissioner of Police. At the beginning of last year at the same time as the Premier was saying that public sector wages had to be frozen and nurses and teachers could not be given a pay rise, the Premier did a special deal with the Commissioner of Police to give him a one-off \$90,000 pay rise on top of the \$450,00 that he was being paid already. What was the reason? The reason was he wanted to be paid the same as Mr Scipione had been paid. There was no going to a tribunal and seeing whether it was right. The commissioner just felt that it was not fair that Scipione was paid more than he is paid so he rang up the Premier and got a \$90,000 pay rise.

That is how it works under this Government: If you are a senior mate, you get a senior pay rise. If you are a senior mate at icare, you get a senior pay rise. If you are a senior mate, a vice-chancellor, we will give you a senior pay rise. What was missing from the contribution by the mover of this motion is something that I note the Hon. Penny Sharpe picked up. There is a campaign for wage justice going on in this State and it is being run by wagejustice.org.au. I urge members to have a look at this campaign because they are asking for wage justice for people with a disability.

**The Hon. Wes Fang:** Who are they?

**Mr DAVID SHOEBRIDGE:** I hear the Hon. Wes Fang calling out, "Who are they?" So he does not care; he has not bothered to look. Wage Justice has been running a national campaign to provide wage justice for workers with a disability. They are workers who work every bit as hard as we do. They go in and put in a fair day's work and all they want is a fair day's pay. The fact that there are National Party MPs in this House who have not even heard of it and do not care about it but who will interject and try to disrupt the debate, showing so little regard for those workers, I find symbolic of this Government's lack of care about how tough it is for some people.

At the end of the day, there are people in our society who work every bit as hard as a university vice-chancellor or some fat cat at icare or some police commissioner. Those people have two or three jobs. They work a casual job here and a casual job there. They work 50 or 60 hours a week doing essential work such as cleaning or working in hospitality. They work every bit as hard as any university vice-chancellor and they hardly have enough money to keep a roof over their head. They are the people we should be talking about. That is where our collective public wealth should be going.

We should be showing leadership on this growing wage disparity. We should be putting a cap on public sector CEO wages so that no public CEO can be paid 20 or 30 times more than the average wage of people working under them. We should be advocating for the same cap on CEO remuneration federally. If a corporation wants to pay its CEO \$4 million, there is no way that should be allowed as a tax write-off. That is an obscene amount of money for someone to be paid. We need to be looking at society through the prism of those who most need help, not those who have the closest mateship connection to the government of the day so they can keep getting their obscene salaries. When we talk about wage justice, we should start with delivering justice to those who have the least.

**The PRESIDENT:** The Hon. Mark Latham has indicated that he will not reply to the debate. He indicated that he had already spoken twice and felt that was sufficient, and I was not going to disagree with him.

**Discussion concluded.**

*Bills*

**STRATA SCHEMES MANAGEMENT AMENDMENT (SUSTAINABILITY INFRASTRUCTURE)  
BILL 2020**

**In Committee**

**The Hon. BEN FRANKLIN (21:17):** I move:

That the House, having considered the Legislative Assembly's message, does not insist on its amendment No. 1 disagreed to by the Legislative Assembly and agrees to amendments Nos 1 to 3 proposed by the Legislative Assembly in the bill.

I am pleased to speak on behalf of the Government to support the amendments on the Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020 passed by the Legislative Assembly. I begin by commending the Minister for Better Regulation and Innovation for bringing the bill before Parliament. The bill fulfils an important election commitment that the Government made to over one million people in New South Wales who live in strata schemes. I highlight the work put in by the Minister and his office to prepare amendments introduced in the Legislative Council by the Animal Justice Party. While clearly well intentioned, the amendment passed by this Chamber would have created uncertainty and angst for many strata owners. First, the amendment was inserted without any consultation with the New South Wales strata community, including owners and tenants. Additionally, the amendment provided a single factor to be taken into account when deciding what is a reasonable prohibition on the keeping of an animal—that is, the needs of the animal.

The amendment would have required the owners corporation to base its decision about the keeping of an animal exclusively on the needs of the animal, such as toileting, feeding and exercising. This is clearly unworkable. However, the Government is pleased that the member for Sydney and the Hon. Emma Hurst were able to continue to work with the Government on finding a solution that was passed in the other place last week. I state for the public record that the Government is particularly appreciative of the work of the Hon. Emma Hurst in that regard. This bill is a great example of what can be achieved through cooperation across party lines. This is why we are here today—to deliver for the people of New South Wales. In February 2019 the Premier made an election commitment to the people of New South Wales to reduce barriers to the uptake of sustainability infrastructure in apartment buildings. This bill delivers on that commitment and will continue to deliver for the over 82,000 strata schemes in this State.

As honourable members have heard, the bill makes it easier for strata schemes to install sustainable infrastructure by reducing the voting threshold for approval from 75 per cent to a simple majority of votes, along with additional factors that owners corporations must consider before voting. Under the current Strata Schemes Management Act, if an owners corporation is considering making changes to the common property, a special resolution must be passed. This requires that no more than 25 per cent of votes are opposed or, in other words, a minimum of 75 per cent of the votes cast are in favour. The bill changes this by creating a new type of resolution for owners corporations called a "sustainability infrastructure resolution". A sustainability infrastructure resolution will require a simple majority vote—less than 50 per cent of votes opposed—which is the threshold the Act sets for most decisions an owners corporation can make. Lowering the voting threshold will enable owners in strata schemes to create a more sustainable future for themselves.

The bill also makes other amendments to improve the operation of the Act and correct some unintended consequences of the 2015 major strata reforms. As indicated earlier in my speech, further amendments to the bill have also sought to clarify the laws around pet ownership for those living in strata schemes. The amendments include: that a by-law, or a decision made under a by-law, will have no force or effect if it unreasonably prohibits the keeping of an animal on a lot; that keeping an animal will be considered reasonable unless it interferes with the rights of other occupants to use and enjoy their own home or the common property; and that regulations may specify when keeping an animal is considered to unreasonably interfere with another occupant's use and enjoyment of their own home or the common property.

The amendments provide a sensible and balanced solution that considers the rights of pet owners and those of other apartment owners. The amendments passed in the other place also require the Minister for Better Regulation and Innovation to review the Strata Schemes Management Act 2015 as it relates to the keeping of animals and table a report on the review in each House of Parliament within six months. The Government welcomes this opportunity to work with the strata community to review and improve the experience of living in strata schemes in New South Wales for those with animals and those without. This review ties in perfectly with the statutory review of the strata schemes laws currently underway by the Department of Customer Service.

Last week the Minister for Better Regulation and Innovation announced the closing date for submissions to the statutory review will be extended by a month to 7 April to allow more time for the community to have their

say on strata laws as well as the keeping of animals in strata. The feedback will ensure that there is broad community input into the review of the laws and will assist in the development of regulations. I thank all members in both Houses who have contributed to the debate to make strata schemes more sustainable. This is an important achievement that will have positive impacts for strata communities across the State. I thank honourable members for their support on this bill and commend the amendments to the House.

**The Hon. DANIEL MOOKHEY (21:22):** I lead for the Opposition in debate on the Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020 in Committee. I am advised that currently the Act only allows tenants with assistance animals the legal right to have an animal in their home. This is despite the Law Society of New South Wales estimating that more than two-thirds of households include pets. We know that pets are of great benefit to the mental, physical and social health of their owners. Pet ownership can be especially important for older people and people with disability, given the role that companion animals can play in keeping people connected. From the earliest days of the outbreak of the pandemic, pet ownership has surged.

I note that the Animal Justice Party previously successfully moved an amendment to the bill that provided that a by-law has no force or effect to the extent that it purports to unreasonably prohibit the keeping of an animal on a lot. In October 2020 the Court of Appeal found that a strata by-law that places a ban on pets breaches New South Wales strata scheme legislation and is invalid. A blanket ban on pets was found to be harsh, unconscionable and oppressive. I digress by saying that anyone who has studied oppression in corporate settings knows that it is a high standard to reach. The amendment from the Legislative Assembly responds to the Court of Appeal decision by providing that a by-law that prohibits the keeping of an animal on a lot is not harsh, unconscionable or oppressive if it does not unreasonably prohibit the keeping of an animal on a lot. The amendment further provides that the regulations may specify circumstances in which the keeping of an animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property.

It is clear that wide-ranging consultation on the development of the regulation will be crucial to clarifying those circumstances in which it is not reasonable to keep a pet in a strata. A review will be undertaken after commencement and will address the following matters: one, the circumstances in which it is reasonable to prohibit the keeping of animals; two, the impacts of kept animals on the health and wellbeing of residents; three, the barriers faced by residents in the keeping of animals and by persons who require assistance animals, including vulnerable persons; four, the welfare of kept animals; five, how to limit any adverse impacts of kept animals on common property, including the adequacy of existing laws to deal with this; six, to resolve disputes about the keeping of animals; and seven, the effects of a change to the by-laws for a scheme that prohibits the keeping of an animal that was lawfully kept on a lot before the change. It will also be important to ensure the review of the new provision in clause 13 (a) is wide-ranging and effective. On that basis the Opposition does not oppose the amendments proposed in the message from the Legislative Assembly. On a personal note, my beagle looks forward to one day moving into a strata.

**The Hon. EMMA HURST (21:25):** The Animal Justice Party will be supporting the amendments moved by Mr Alex Greenwich in the other place. When this bill was last before the House we passed an Animal Justice Party amendment which meant that a by-law could not unreasonably restrict animals from living in a strata complex. The majority of people in this place agreed with the Animal Justice Party that we should ensure at a bare minimum that people who own an apartment or townhouse are able to live with an animal in their own home. Since that amendment passed the upper House there has been a significant development. The Court of Appeal unanimously found that by-laws that impose a blanket ban on animals are harsh, unconscionable and unreasonable and therefore are in breach of the Strata Schemes Management Act.

The Court of Appeal decision came about after years of dispute between Jo Cooper and her strata committee in the Horizon building about whether she should be allowed to live in the building with her miniature schnauzer, Angus. The Court of Appeal ultimately held that the by-law in the Horizon building breached the Strata Schemes Management Act because it prevented owners from using their homes in ways which could not, on any rational view, adversely affect other residents. As a result of this case, Jo will be able to legally live with her dog, Angus, in her apartment. It is a great outcome and she should be congratulated on her incredible dedication and advocacy on this issue. But Jo Cooper should not have had to spend years and hundreds of thousands of dollars in legal fees to achieve this result, and nor should anyone else. It should not take a court battle for animals to live in their own homes with their human companions. Companion animals are beloved members of the family to so many.

As we become an increasingly urbanised society, with more and more people living in close proximity in apartment or townhouse complexes, it is important that we ensure that the right to have animals in strata is protected. That is why reform in this area is so needed—to clarify the law and send a clear, strong message to strata committees that allowing animals in strata should be the norm, not the exception. It is long overdue. It is disappointing that the Government declined to support the Animal Justice Party's amendment, as originally

drafted, in the other place. However, over the past few months Minister Kevin Anderson, Alex Greenwich and I have undertaken extensive negotiations that have led to the amendment before the House today. I thank them for their cooperation and for acknowledging the seriousness of the issues involved in this space.

I also thank the member for Newtown, Jenny Leong, who has advocated for this change for a long time and whose work in this space has undoubtedly contributed to how far we have come. I also thank the Labor Party for its strong support on this issue. This amendment goes further than the right to have a companion. This is an issue that affects victims of domestic violence and people with disability. Currently strata schemes can force people to provide highly personal paperwork proving that an animal in their care is an assistance animal. This is despite the fact that the Disability Discrimination Act does not require assistance animals to be professionally trained and may lead to owners corporations making uniform judgments about what qualifies as an assistance animal.

Accommodation barriers for those with animals are one of the top reported reasons to delay leaving domestic violence [DV] situations. Two major DV services have recently released data around accommodation issues which include statistics showing that over 90 per cent of workers report a lack of animal friendly accommodation as a barrier for survivors with animals fleeing violence, while nearly 50 per cent delay leaving for up to a year because of issues trying to find alternative accommodation where animals are allowed.

We have had emails from both Domestic Violence NSW and Women's Safety NSW calling for the support of the Animal Justice Party's original amendment. In its letter to MPs, Domestic Violence NSW urged everyone to support the proposed amendment to the Strata Schemes Management Act because strata by-laws that prohibit animals are a barrier to owners and tenants who have animals and who are experiencing domestic and family violence from being able to access safe long-term housing and to leave a violent perpetrator. Even though it is illegal, people with a disability who have assistance animals and who are experiencing domestic and family violence also continue to face barriers when seeking safe housing.

With that in mind, in similar terms to our original amendment, the amendment put forward by Alex Greenwich provides that a strata by-law or a decision by a strata committee will have no force or effect if it unreasonably prohibits the keeping of an animal. It will create a presumption that having an animal in a strata complex is reasonable, unless it unreasonably interferes with the enjoyment of another owner in the strata complex. If a strata committee makes a decision to stop a resident from having an animal that is unreasonable or takes too long to give a decision, then it is deemed to have given permission anyway.

The Government will be able to make regulations about the limited circumstances where it might be reasonable to restrict having animals in strata, but only after it conducts a public consultation to seek views from the community and experts on a range of issues concerning animals in strata, including the impact of restrictive strata by-laws on people with disabilities and those fleeing domestic violence. Even then, the regulations will be limited to defining where an animal might unreasonably interfere with another occupant's use and enjoyment of their property. A blanket ban on keeping animals would clearly not meet that test. It should be clear that a dog that barks occasionally or passes other residents in the hallway is not unreasonably interfering with the enjoyment of other strata owners. Everyone living in a strata complex is occasionally affected by the activities of others—whether it is a few weeks of renovations to a nearby unit, a crying child or a loud party on New Year's Eve. The key is striking balance as to what is reasonable.

All of those provisions will not come into effect for six months or when the Government finishes the consultation—whichever is sooner. I will be watching that process very closely and I strongly encourage the Government to publish a final copy of the regulations for public comment before they are introduced. If the final regulations produced by the Government do not properly protect the rights of animals and their guardians to live together in strata accommodation in accordance with the spirit and intent of this amendment, then we will not hesitate to disallow those regulations. It is clear from this process that we have the support of the upper House to do that. This is a long overdue amendment for the people of New South Wales who overwhelmingly love animals and believe that strata committees should not have the power to determine whether a person is entitled to share their home with an animal. Animals are living sentient beings that deserve to have their interests recognised. They are part of the family and we saw that recognised in the changes to domestic violence legislation last year, and we are seeing it recognised again today.

**Ms ABIGAIL BOYD (21:32):** On behalf of the Greens I support the amendments suggested by the Legislative Assembly. Companion animals bring incredible joy to the lives of their families. Everyone who wishes to share their lives with a pet should be able to do so. I acknowledge that my colleague in the other place Jenny Leong has for many years led the campaign for residents of rental and strata properties to have the right to live with their pets. I also recognise the tireless work of Jo Cooper, whose five-year legal battle to lift the blanket ban on pets in her apartment building and the supporting ePetition tabled by Ms Leong in the other place brought us to where we are now.

The Greens were pleased to support the amendment proposed by the Animal Justice Party back in August last year that rendered void by-laws unreasonably prohibiting the keeping of animals. While we remain satisfied with the original amendment, we understand the concerns of the Government that the amendment may not in practice provide adequate guidance and that it would require regulation-making powers. In the interest of progressing the issue, we will be supporting the bill in its amended form. It is imperative that the Government consult extensively while developing the regulations. My colleague Jenny Leong and I will be watching the development of the regulations closely, and I make it clear that The Greens will not hesitate to disallow those regulations if they do not follow the intention of the original amendment.

**Reverend the Hon. FRED NILE (21:34):** I speak briefly in support of the Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020 and the amendment, as I did in the original debate in the Chamber. I thank members for their hard work in bringing us to this position. I am pleased to support the legislation as amended.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The question is that this House does not insist on the Legislative Council's amendment No. 1 disagreed to by the Legislative Assembly and agrees to amendments Nos 1 to 3 proposed by the Legislative Assembly in the bill.

**Motion agreed to.**

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

That the Chair do now leave the chair and report that the Committee has resolved that it does not insist on its amendment No. 1 disagreed to by the Legislative Assembly and agrees to amendments Nos 1 to 3 proposed by the Legislative Assembly in the bill.

**Motion agreed to.**

#### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

#### **Messages**

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

#### **WARNERVALE AIRPORT (RESTRICTIONS) REPEAL BILL 2020**

##### **Second Reading Speech**

**The Hon. NATALIE WARD (21:37):** On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

The Warnervale Airport (Restrictions) Act 1996 has been the subject of contention at different points over the years ever since it was introduced as a private member's bill and assented to in July 1996. It was this ongoing contention and representations from the Parliamentary Secretary for the Central Coast, Adam Crouch, in the other place, and concerns raised by the Central Coast Council and community members at Community Cabinet late last year that led the Minister for Planning and Public Spaces to invite the Central Coast Council to partner with the New South Wales Government on an independent review of the Warnervale Airport (Restrictions) Act 1996 to determine whether it remains relevant and necessary.

The independent review was initiated in October 2019 and was undertaken by Ms Abigail Goldberg, an expert in infrastructure, urban planning and governance. Ms Goldberg was supported by Mr Peter Fiegehen, put forward as council's representative, who is an expert with over 40 years' experience in aviation and executive management. In addition to the question of whether the Act remains relevant and necessary, the terms of reference asked that the review team also consider the interaction and consistency of the Act with other legislation applying to the site, examine statutory frameworks for airports of a similar scale to Warnervale Airport and, of course, seek and consider submissions on the matter.

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

**Leave granted.**



Comprehensive and robust consultation was undertaken with the community as part of the review, face to face presentations occurred, public meetings were held and written and verbal submissions were invited from any interested individual or entity.

The review team and Department of Planning met with Central Coast Council at the beginning, and at the end of the review to discuss the outcomes and recommendations.

After months of consultation 939 unique written and verbal submissions were received 75% of which supported the Act being repealed.

And the reviewers agreed that the Act was no longer necessary and had little relevance as it did not alleviate or allay community uncertainty and concern about the future operations for the airport.

They recommended that the Act be repealed as soon as possible and particularly that the limit on the number of daily take-offs and landings in section 6 of the Act be suspended immediately.

The future operation of Warnervale Airport needs to be clarified and assured for the Central Coast community and other stakeholders.

Concern about its operation has dragged on far too long, countless discussions have occurred among council and a way forward is long overdue and it is now time for the Central Coast Council which owns and operates the airport to put in place a stated position and strategy for future operations.

Certainty is also needed for the operator of the airport, the Central Coast Aero Club whose licence expires later this year.

The repeal of the Act will reduce the administrative complexity for both the council as the owner and the Aero Club as the licensee. The repeal will also strengthen community confidence as it calls on positive action to be undertaken by Central Coast Council to establish a clear framework, business plan and local planning controls to support the continued operation of the airport for community and recreational uses, and to ensure community certainty on the future of the airport.

The House is probably wondering, where is Warnervale and why does its airport have its own Act?

Warnervale is a town about 100 kilometres north of Sydney's CBD, established in 1893 by Albert Hamlyn Warner.

Interestingly, for planning boffins, Warnervale was established very early on as a regional growth area in the Sydney Region Outline Plan in 1968.

Others may recognise Warnervale as the town that American actor Matthew McConaughey resided in for one year while on exchange to Australia.

But over time, Warnervale has developed into the suburbs of Hamlyn Terrace, Kanwal and Woongarah.

It is bordered by Lake Tuggerah and Lake Budgewoi.

It is home to Warnie's Café and the Warnervale Wildcats Rugby Union club.

But today we are talking about Warnervale Airport.

Since the seventies, there has been concern about the development of Warnervale Airport beyond what the community envisaged.

However, this really came to the fore in 1994 when residents of Wyong and Warnervale formed the Central Coast Airport Action Group and took Wyong Shire Council to court over plans to develop the airport into a commercial and freight hub.

I remind the House that the Warnervale Airport (Restrictions) Act 1996 was originally introduced as a private member's bill responding to community concern about the actions of the former Wyong Shire Council that had issued consent to itself to expand the airport.

The Act restricted operations and future development of the airport and aimed to protect the amenity of the surrounding area.

It prevented Wyong Shire Council from implementing most of its development consent relating to the airport without additional assessment and approvals from the then Minister for Urban Affairs and Planning.

The Wyong Shire Council requested the Act be repealed in 2015 at which point the then Department of Planning and Environment initiated a review to determine if the Act remained the most appropriate way to regulate activities at the airport.

The 2016-17 review found broadly that it was, but uncertainty amongst stakeholders in regard to operational and compliance issues has continued to grow.

This uncertainty has largely been created by the extension of the runway by the then-council in 2015 which triggered the flight movement restriction provisions in section 6 of the Act that limit take-offs and landings to 88 movements per day.

These changes have affected the financial viability of the Central Coast Aero Club and other users of the site as well as created other concerns.

Since the Central Coast Council amalgamation in 2016 the future of the airport has been subject to ongoing debate.

In November 2017 a majority of councillors resolved to support the retention of the Act, suspend works and reallocate funding that had been earmarked for the Airport.

In September last year, the Minister met with Andrew Smith and Michael Allen of the Central Coast Aero Club at Community Cabinet in Tumby Umbi at the request of the member for Terrigal.

They told the Minister the problems they and their members were facing since the flight cap in the Act was triggered.

A limit of only 88 take-offs and landings per day meant their club was unviable, their members were unable to enjoy the skies as easily.

The club was 47 years old and now it was facing total uncertainty.

Council and its then Mayor Jane Smith were not providing the club any certainty about their license given the cap.

As a government and at the request of the member for Terrigal and the Hon. Taylor Martin, MLC, in the other place, we knew we needed to act.

An independent review was the best way to take the politics out of the discussion, give the community a say, and get the best results for everyone.

As touched upon the results of the independent review were very clear.

In no uncertain terms the reviewers have recommended that the Act be repealed as soon as possible.

The reasons for this are many and varied, the review found the Act is ambiguous and outdated in its content as well as legal format and with regard to key administrative processes.

It found the Act duplicates other primary legislation such as CASA—Civil Aviation Authority—and environmental planning legislation that are updated more frequently and that the Act does not add any requirements that are unique.

The Act is the only legislation of its kind for an airport of this size, comparative analysis found that other airports of similar scale are governed by Local Environmental Plans, not unique Acts of Parliament

The review also found the Act to be difficult to administer contributing to operational complexity and has done little to resolve or allay community and stakeholder differences.

And this is crucial the review found the Act adds complexity for pilots and as a result presents potential operational compliance and safety risks.

We cannot, in good conscience, allow the continued operation of an Act that in any way jeopardises the safety of pilots or passengers.

An Act that has superseded its purpose is no longer needed. At the most basic level, the repeal of the Act meets this Government's desire to cut red tape and unnecessary regulation, but from these findings it is clear that the repeal will do much more than that.

I also fundamentally believe that as a government we need to ensure there is less red -tape and less law imposed on our citizenry.

We hear rhetoric about the need to strip red-tape away well why not start with Acts that are now redundant.

Yes this Act had a purpose at a point in time but the spectre of the old Wyong Council has moved on and we now have a new Central Coast Council who have been willing and able partners in this review.

When local planning controls and federal regulation can or already cover the activities of this Airport why do we need this Act?

Well the answer is we do not.

As a government we should be looking for more examples of Acts that are not necessary or acts that can be consolidated into similar pieces of legislation.

Law is important, but it is also complex.

Apart for recommending that the Act be repealed the review also made two other recommendations.

The second recommendation was to commit Central Coast Council to establish a clear framework for the governance of operations and change management at the airport. Including robust technical assessments, a business plan and operations plan.

The third recommendation was for the council to undertake urgent works to modify vegetation height to the north of the runway that pose safety risks and limit the useable length of the runway.

In July, Cabinet endorsed that the review be released, that the government accepts all of the recommendations of the review and introduce a bill to parliament to give effect to those recommendations.

Today the Government seeks to adopt that first recommendation and repeal the Act and the Warnervale Airport (Restrictions) Repeal Bill 2020 will do this in a staged approach.

I now turn to the substantive elements of the bill.

Clause 1 of the bill sets out the name of the instrument, being the Warnervale Airport (Restrictions) Repeal Act 2020.

Clause 2 of the bill allows for the staged commencement of the Bill but I will return to how that provision works in a minute.

Clause 3 of the bill is most significant, it provides for the immediate omission of section 6 of the Act.

Section 6 sits in part 2 of the Act which deals with restrictions on aircraft movements. Section 6 has the effect of limiting the number of daily take-offs and landings at the airport to a cap of 88 aircraft movements.

This amendment is crucial. It will provide clarity in operation to the local businesses and community groups who use Warnervale Airport and improve its financial viability in providing a reliable airspace.

As the review notes the current limit of 88 aircraft movements appears arbitrary and without explanation and there is nothing in the provision that allows for an increase or decrease in movements to be applied for or permitted.

Section 6 of the Act is administratively ineffective and the immediate removal of it from the Act by this bill is a significant step.

The final provision of the bill, clause 4 will repeal the remainder of the Act but unlike the omission of section 6 this complete repeal won't be done immediately.

Subclause 2 of clause 2 provides that this repeal will occur on the earlier of:

- a day to be appointed by proclamation, or

- the day that is two years after the date of assent to this Act.

I am cognisant that there is some work to be done, and to respect the Council in getting on and doing it. I am proposing a stage approach to the repeal of the Act.

A two-year time frame is deemed reasonable to allow for appropriate local planning controls and business and operations plans to be prepared and put in place by council to address the future operations and any changes proposed for the airport, prior to the Act being repealed.

Should our Government be satisfied that appropriate local planning controls sufficiently manage the airport, and that council has responded to the other matters of recommendations ahead of the two-year time frame, I will recommend to the Governor that the Act be repealed by proclamation.

And this work must be done promptly.

The review was released in July and received local media attention.

The Aero Club in particular were delighted that their operations can continue, with community responses in support of a clear way forward.

I understand not all on the Central Coast Council will necessarily agree with the repeal of the airport's restrictions but let me point out.

First, that the bill directly responds to the recommendations of the independent review, which is supported by a robust and comprehensive evidence base and community consultation process.

Further, that the public and stakeholders are vastly in favour of repealing the Act.

Secondly, that the establishment of Central Coast Council provides a new context and opportunity for council to have more flexibility over its future plans for the airport as long as the local planning mechanisms are in place to appropriately manage this and frankly it is time council made the safety and stability of Warnervale Airport an urgent priority going forward.

I note this month's decision by AirMed an independent medevac specialist operating on the Central Coast to cancel all flights to Warnervale airport due to safety concerns caused by the current height of trees near the runway.

This recent example only serves to highlight the urgency for council to address the issues associated with the airport including addressing vegetation heights surrounding the Airport as recommendation 3 of the review made clear

The repeal of the Act allows council to restore community confidence in it by drawing a line in the sand.

### Second Reading Debate

**The Hon. ADAM SEARLE (21:39):** I lead for the Opposition in debate on the Warnervale Airport (Restrictions) Repeal Bill 2020. The Opposition will not oppose the legislation. The bill will amend the Warnervale Airport (Restrictions) Act 1996 and remove the daily take-off and landing cap for the Warnervale Airport, which will happen from the date of assent. The bill will also repeal all of the Warnervale Airport (Restrictions) Act 1996 within three years of the date of assent. I acknowledge the contributions made in the other place by my friend and shadow ministerial colleague David Harris, MP, the member for Wyong and, among other things, the shadow Minister for the Central Coast.

He is also the member of Parliament for the electorate where the Warnervale Airport is located. His thoughtful, balanced and searching contribution summarised the bill's complicated history, from 1973 to the present day. I will not repeat what he said, but he charted the long and unsatisfactory history of the bill, and highlighted the very real community concerns around the proposals to expand the airport that were outlandish and unlikely to ever be realised financially, and which gave rise to legitimate community concerns and ultimately to the legislation that this bill will impact.

I also acknowledge the contributions made by the member for Gosford, Ms Liesl Tesch, and the member for The Entrance, Mr David Mehan. The three Central Coast Labor MPs made very good contributions to this legislation. I do not say that to derogate from any other contribution, but for someone who has not lived and breathed the complicated history of this legislation I thought it important to put on record. In July 1996 I was a staff member in Opposition and then in government when the then local member, Mr Paul Crittenden, presented the legislation as a private member's bill to block the council from upgrading the airport due to community concerns. Of course, it is not the case that that legislation prevented all future development—I think perhaps the nature of the legislation has been overemphasised—but it said that if the council, as the owner and operator of the airport, wanted to do anything further then it needed the approval of the Minister and had to undergo an independent process.

At the time the legislation was put forward by Mr Crittenden there were no other protections for the community that would be impacted by the potential future expansion of the airport. On a number of occasions the predecessor council tried to develop the airport further. One celebrated occasion was when former Labor planning Minister and Deputy Premier Andrew Refshauge declined a proposal to extend the runway to 1,200 metres and then 1,800 metres. Between January and March 2020, as it was two decades old, the Government conducted an independent review of the Act to see whether it remained relevant and necessary. I understand that 77 per cent of

the 939 submissions to the review proposed repealing the legislation. The Opposition acknowledges that the Act has symbolic relevance to the community, but it has not resolved, let alone eased, community and stakeholder concerns. There have been challenges with the administration of the legislation whereby the Act has duplicated or got in the way of other legislation, including Civil Aviation Safety Authority and environmental planning legislation.

The shape and framing of the legislation is certainly contrary to contemporary practice. The review recommended that the Act should be repealed as soon as possible but if there were a delay, the airport flight restrictions should be removed immediately. That is what the legislation does. Secondly, the review recommended that the Central Coast Council, which owns and operates the airport, should adopt a clear framework to govern the airport's future management, which the council had not previously done nor has it done subsequently. The council has now moved into administration. Thirdly, the review recommended that safety issues affecting the runway should be addressed. As I indicated, the Opposition does not oppose the legislation. We did propose that the two-year time frame before automatic repeal be increased to three years to enable protections, including runway length and curfew provisions, to be put into a local environment plan [LEP] affecting the area.

I indicate as the Labor shadow Minister for planning that we will work towards meaningful protections for the residents of Wyong surrounding the airport. We understand this is how, for example, Lake Macquarie has regulated the Pelican airport at Belmont. That has been done with success in terms of stakeholders, airport users and the wider community, balancing and giving certainty to both airfield users and local residents. We think an LEP is the best way to achieve this end. At the time the legislation was proposed, councils could and did—I know because I was a member of a council that did this—approve their own development applications [DAs], even where they were the developer or proponent. Apparently there were restrictive practices within councils to make sure that there was no cross contamination, but it did look a bit odd. I think it was very unsatisfactory and that practice has now been consigned to history.

**Mr David Shoebridge:** It still happens in Bathurst.

**The Hon. ADAM SEARLE:** Really? In any case, this is the best way. That can no longer happen, so many of the concerns that led to the creation of the legislation do not exist anymore. I also indicate that the planning Minister in his second reading reply speech gave a commitment to introduce a State environmental planning policy if the Central Coast Council did not introduce appropriate protections into the Central Coast LEP by the prescribed deadline now of three years. The Minister said:

I am happy to confirm that should council not complete the necessary actions and the Act repeals itself within the allotted time, the Government will put a State environmental planning policy over the land and the State will remain the consent authority until the council can get its act together.

It is now, as I indicated, a matter of record that the council cannot automatically increase the length of the runway or the curfew without an appropriate DA considered independently by external planning panels. Our position is that the concerns that gave rise to the legislation no longer apply and that the protections that the community needs are largely in place. One of the reports in relation to the affected area indicated that developing the airport would affect other industrial land in the Wyong employment zone, making that land more expensive because the whole area would have to be acoustically treated. That would also impact on the airport, but it is also a matter of record that when the airport was originally put in place far fewer residents were impacted by it. Now nearly 80,000 people are going to be within the seven and a half kilometres around the airport. It is quite clear that the many people who have moved from Sydney to the Central Coast to get away from congestion and noise pollution, including airport noise, do not want ongoing anxiety about the potential for increasing development of the airport.

Of course, the land itself is somewhat restricted. All of these concerns can sensibly be met by the legislative framework that will remain even after the repeal. As I said, the legislation gives a three-year window for the council to address those outstanding issues. The planning Minister has given a clear indication that, should the council fail to act, the New South Wales Government would do so through a planning policy. That does not mean that the local members, and particularly the member for Wyong, will not maintain a close and detailed interest in how the matter proceeds. It will be on the Government to make sure the communities affected are treated fairly. It seems to the Labor Opposition that this bill is a sensible and balanced step forward. With those observations, Labor will not oppose the bill.

**Ms ABIGAIL BOYD (21:50):** On behalf of The Greens I speak in debate on the Warnervale Airport (Restrictions) Repeal Bill 2020. At the outset I state clearly that The Greens do not support the repeal of the Warnervale Airport (Restrictions) Act. We will move amendments that we believe address concerns that have been shared with us by the community and key stakeholders alike. The history of Warnervale Airport is a pretty colourful one, to put it politely, and one that most residents of the Central Coast are quite familiar with. The community has seen it all, from outlandish development proposals by a range of very strange characters to establish the site as a gateway for a theme park, all the way to dodgy undertakings from previous councils in an

effort to establish some kind of broadscale commercial airport facility. They have lived through Mike Baird standing with a person who was said to be part of a United States aeronautics company but who, it turned out, had bought a trademark or a design but had no experience whatsoever in the industry. This is the sort of thing that the local community has seen in relation to the Warnervale Airport, so we have to give them some leniency when they say they are not very trusting of the Government when it comes to the airport.

Throughout all of those proposals, on which almost no part of the local community was meaningfully consulted, the Warnervale Airport (Restrictions) Act has been largely effective. Whether pursuant to its terms or simply due to it being there in the first place, it has continued to prevent the construction of a broader-scale airport. It has continued to send a signal, both to the community and to the council and its staff, that the idea of a larger airport is off the table. Originally passed by this place in 1996, the Act came about as a response to decades of back-and-forth by the then Wyong Shire Council, which had very real plans to expand the facility into either a commercial or a freight airport. There were—and there continue to be—significant concerns about such an expansion, and there are a number of very good reasons why that facility would not stack up.

Firstly, the very geography of the location places significant constraints on any potential for expansion of the airport, with the ecologically sensitive Porters Creek Wetland restricting the size of the current runway. Secondly, the area surrounding the airport continues to be developed, with growing residential communities in Warnervale and Jilliby. Those residents' amenity would be severely impacted by such an expansion if it was allowed to proceed. In addition, the impacts it would have on the ongoing development of the Wyong Employment Zone, which continues to creep closer to the facility, would be significant and potentially would put at risk the creation of hundreds of jobs—jobs that are desperately needed in the Wyong area. Finally, there is no business case for a commercial airport on the Central Coast. We know it would not work. The demand is not there to sustain such an operation and it would be doomed to fail from the start, but that will not prevent people from trying. We have seen that in the past 20 years.

Many in this place argue that we simply do not need the Act anymore, that it has outlived its usefulness and that its provisions and protections are now duplicated in more modern legislation. However, as we heard during the recent inquiry into the bill, it is clear that many in the community desire the additional administrative hurdles that would be required before an expansion of the airport could be undertaken. That is a really important point. This is not a complete overlap with provisions elsewhere. There are unique provisions in the Act that require additional community consultation to be undertaken and additional steps to be taken before any airport expansion could take effect. The additional protections afforded by the Act should not be repealed lightly.

Despite all of the history, one could argue that the real reason that a full repeal of the Act is on the table today is in large part because the then Wyong Shire Council extended the existing runway of the Warnervale Airport without approval back in 2015. In doing that, it triggered a number of specific restrictions that exist within the Act. It was really clear at the inquiry that we held into this bill that everybody agreed that the flight restrictions that had been triggered were not something that anybody wanted to keep. There was broad support to remove the flight restriction and no-one is arguing with the element of the Act that triggered this problem in the first place. Overnight the airport, which had been successfully used by recreational flyers, training schools and other hobbyists for lots of years, had a number of restrictions placed upon it that capped the total number of take-offs and landings that could be performed in a single day and introduced tight curfews. The restrictions that were triggered by Wyong Shire Council were designed to make the expansion of the airport into a commercial facility unviable, not to prevent the facility from being used in the way in which it was. As I say, there is broad support for the existing use.

This technical triggering of the restrictions by Wyong Shire Council is the sole reason why a second statutory review was undertaken into the Act and its aims. The review somewhat surprisingly found that the best course of action to address those particular restrictions—this one aspect of the Act—being triggered was simply to repeal the Act in its entirety. When I questioned the authors of the report at the inquiry into the bill, neither of them could justify exactly why we could not simply amend the Act so as to deactivate the specific restrictions that had been triggered by the unauthorised runway extension in 2015. I was instead met with vagaries about the importance of streamlining legislation and the removal of red tape.

Put simply, the Government wants to take a sledgehammer approach to a problem that could be easily fixed with a few minor additions to the Act. The result is that the community, which has for many years enjoyed the additional protections it provides and the signal it sends to the council, council staff and the surrounding community, would once again be exposed to the potential expansion of the Warnervale Airport. It is not the best outcome and that is why The Greens oppose the repeal of the Act. It is why we have tabled amendments that seek to address the concerns of the community and stakeholders to ensure the successful and appropriate use of the airport for many years to come. I urge the members of this place to accept those amendments.

**Reverend the Hon. FRED NILE (21:58):** On behalf of the Christian Democratic Party, I am pleased to support the Warnervale Airport (Restrictions) Repeal Bill 2020 and I thank the Minister for his briefing today on the bill. On assent, the bill omits the section of the Act that limits the number of daily take-offs and landings from the airport. Clause 4 also provides for the repeal of the remainder of the Act. This will occur on a day appointed by proclamation or on the day that is two years after the date of assent, whichever is earlier. We are pleased to support this bill. We believe it resolves some of the conflict in the area over the airport and allows particularly the aero club to be happy with the solution.

**The PRESIDENT:** 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. TAYLOR MARTIN (21:59):** What a great day for the Central Coast. It is good to see in the gallery the number one advocate for the repeal of the Warnervale Airport (Restrictions) Act, the Parliamentary Secretary for the Central Coast, Mr Adam Crouch, MP. I support the Warnervale Airport (Restrictions) Repeal Bill 2020. The bill removes the Warnervale Airport (Restrictions) Act 1996, otherwise known as the WAR Act. It means that Warnervale Aircraft Landing Area—as it is currently known—will be regulated just like every other aircraft landing area in the State. Warnervale Airport is not unique. It is a small airport on the Central Coast with a single, sealed runway measuring 10 metres wide and approximately 1,196 metres long. The runway is limited to aircraft with a 5,700 kilogram maximum take-off weight.

Despite its limited size, the airport at Warnervale is a vital asset for the Central Coast. The airport supports emergency service operations such as police, air ambulance, RFS water bombing and fire reconnaissance. It provides aviation-related education and skills training, including qualification of recreational and commercial pilots as well as flight instructors. It hosts the Australian Air League and Scouts. It provides skilled employment opportunities and apprenticeship training, such as the current thriving maintenance operation conducted at the airport. It facilitates tourism, benefitting local small businesses as well as recreational flying opportunities for local residents. Importantly, it provides the only fuel stop and emergency landing area between Bankstown and Newcastle. Despite Warnervale Airport's facilities and operations being no different to any other aircraft landing area around New South Wales, there is one thing that sets Warnervale Airport apart from the others: The WAR Act. The recent review of the WAR Act by Abigail Goldberg and Peter Fiegehen found that:

The Act is without precedent in that it is the only item of legislation of its kind in place for a local airport. While there are many general airport and aviation Acts, airport specific legislation is unusual. The key example uncovered by the Reviewers is the Sydney Airport Curfew Act 1995.

During the recent inquiry into the bill by Portfolio Committee No. 7 - Planning and Environment, Mr Fiegehen said that they researched at least 739 airports. He found that "none had legislation". So why Warnervale? What is so special about Warnervale that means it has its own Act that we call the WAR Act? A cynical person might say that it was a direct result of Labor cross-government level infighting in the mid-nineties—but lucky for those opposite, I am not a cynical person. In 1994 the former Wyong shire had grand plans to establish a freight hub serviced by jet aircraft. By 1996 those plans were well advanced. I make no judgement about residents who were concerned about those plans. Many of them had lived in the area for a long time and were fearful of what was being proposed by their local council. As a result, the local member for Wyong at the time, Paul Crittenden, proposed the WAR Act. A member of the Government proposing a private member's bill was, and still is, a rare occurrence.

The bill limited the size of the runway, imposed a curfew, outlined the process for any extension of the runway and, most importantly, imposed a flight cap should there be any breaches of the WAR Act. I will come to the flight cap later. The concern over this development proposed in the mid-nineties was echoed by the Opposition in 1996. My predecessor, the Hon. Mike Gallacher, in his second reading speech on the private member's bill—which was his third speech in this place—said:

As a result of the evidence presented to the Opposition to this date the Opposition supports the bill. The social and environmental costs of having large jet aircraft flying in and out of Warnervale, 24 hours a day, is simply not on.

The Act passed both Houses of Parliament without a division and was assented to in July 1996. I note the contribution by the Hon. Mike Gallacher where he said, "As a result of the evidence presented to the Opposition to this date the Opposition supports the bill", because in the 24 years that have passed much has changed. The first point is that an expansion of the airport to cater for aircraft larger than it currently does is now an impossibility. At the southern end of the runway there is the Porters Creek Wetland, which is under the State Environmental Planning Policy Coastal Management 2018. At the northern end, approximately 100 metres beyond the end of the runway, is Sparks Road, a main road providing access to residents in suburbs such as Toukley, Kanwal and Gorokan and over to the F3. Beyond Sparks Road is quite a large hill that would require significant earthworks to

remove. To the west is a large Woolworths distribution centre and significant residential areas are to the east. It is no longer an option for the runway to be extended well beyond its current size.

The other major change that occurred was the runway extension in 2015 by the then Wyong Shire Council. According to the now Central Coast Council, those works were considered essential maintenance at the time. A subsequent compliance investigation by the then Department of Planning and Environment, however, determined that the former Wyong Shire Council had extended the runway, thereby triggering the statutory flight movement restrictions. In July 2019 the Central Coast Council formed the opinion that sections 5 and 6 of the Warnervale Airport (Restrictions) Act had probably been triggered by the works carried out in 2015. The newly amalgamated Central Coast Council implemented procedures to comply with the curfew and daily limit on flight movements prescribed by the Act.

The impact on the operations at the airport have since been profound. Central Coast Council imposed a requirement that pilots must seek permission from the airport operator to land or take off not less than 24 hours beforehand by application in writing. According to the Central Coast Aero Club, this resulted in a near impossible administrative and financial burden as well as severe restrictions on scheduling and rescheduling training flights. The general aviation community held the view that Warnervale airport was unfriendly to aviators. In its submission to the parliamentary inquiry, the club outlined why 24-hour notice is completely impracticable for general aviation. The requirement prevents flights for people on a particular day—for example, due to their changing circumstances overnight or not being able to change a flight on short notice. It also prevents drop-in members of the public wanting to do a joy flight and even perhaps prevents rescheduling of training flights. Importantly, it could be an impediment to passing aircraft needing to land to refuel. Central Coast Aero Club CEO Andrew Smith also explained how the flight cap of 88 movements has restricted training flights. He said:

The most important part of a student's journey to their licence is learning to land the aircraft so we spend a lot of time doing what are called circuits. We take off, do a lap and land and we do what are called touch-and-goes. A touch-and-go is where we touch down, accelerate and get airborne again without exiting the runway.

...

That is counted as two movements, actually, because it is both a landing and a take-off. We can do 10 of those in one hour in one of our training aircraft, so that is 20 movements per hour. We often have three to four in the air at a time. If we start at 7.30 a.m., we can hit the 88 movements by 9.30 in the morning.

I thank the Minister for Planning and Public Spaces, the Hon. Rob Stokes, MP, for meeting with Mr Smith and others from the Central Coast Aero Club at the Central Coast Community Cabinet held in 2019. The Minister understands the problems that the club has and initiated the independent review of the Warnervale Airport (Restrictions) Act by Ms Abigail Goldberg, an expert in infrastructure, urban planning and governance, and Mr Peter Fiegehen, who was put forward as the council's representative. Mr Fiegehen has a 47-year career in aviation and executive management, with qualifications and experience as a pilot, accident investigator, air traffic controller, aircraft engineer and a risk and safety manager.

This review made a number of recommendations that this bill will deliver, namely, the removal of the flight cap at the first opportunity, along with the ultimate repeal of the bill. The repeal will occur once Central Coast Council has sufficient time to allow for appropriate local planning controls, and business and operations plans to be prepared and put in place to address the future operations and any changes proposed for the airport. The council has up to three years to do so. This action has significant community support, which is demonstrated by submissions made to both the Goldberg Fiegehen review and the inquiry held by Portfolio Committee No. 7. The independent inquiry received feedback and submissions from 939 people and organisations. Approximately 25 per cent of submissions were in favour of retention of the Act, while 75 per cent of the 939 people supported the Act being repealed, which is what we are doing.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Are members still applying a degree of social distancing?

**The Hon. Matthew Mason-Cox:** Yes.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I ask members to do so, as it is not unreasonable that we proceed accordingly.

**The Hon. TAYLOR MARTIN:** The Warnervale Airport (Restrictions) Act is now a source of uncertainty for the Central Coast Aero Club and simply removing the flight cap would not eliminate that risk in its entirety. For more than 20 years the Act existed in the background and was suddenly triggered without warning or consultation as a result of what could be described as a mistake by the council several years earlier. The Warnervale Airport (Restrictions) Act, even without a movement restriction, is now "an existential threat", in the words of the aero club, every day. Given the substantial other superior legislation that exists, it is preferable that the existential threat simply be repealed. It is clear that the only course of action available is the full repeal of this

legislation. The independent inquiry by Ms Goldberg and Mr Fiegehen found that to be the case. The Government has followed the recommendations when drafting the repeal bill. The community is supportive of the repeal. While Portfolio Committee No. 7 made no recommendation supporting or opposing the bill, the evidence received by the committee was overwhelming in its support to repeal the Warnervale Airport (Restrictions) Act.

I thank my colleagues, particularly the Minister for Planning and Public Spaces, the Hon. Rob Stokes, and the Parliamentary Secretary for the Central Coast, Adam Crouch, for their efforts to get to this point. I thank the Central Coast Aero Club including its directors, its Chief Executive Officer Mr Andrew Smith and its members, who have been extremely professional and patient as the Government has embarked on a process of reviewing and subsequently repealing this legislation. I acknowledge Mr John Codrington, the Chair of Your Central Coast Airport Association, for his input on this issue. I also thank members of the community who participated in both the independent review and the parliamentary inquiry, including Mr Laurie Eyes who, while we may have differing opinions on this issue and a range of other issues across the Central Coast, is, to be perfectly frank, extremely committed in his community activism. I commend the bill.

**The Hon. NATALIE WARD (22:13):** On behalf of the Hon. Damien Tudehope: In reply: I thank members for their contributions to debate on the Warnervale Airport (Restrictions) Repeal Bill. The Leader of the Opposition and shadow Minister for Planning and Better Living, the Hon. Adam Searle, did not oppose the bill, but pointed out the increase from two years to three years and the concerns which gave rise to the bill, which are no longer needed. I thank Ms Abigail Boyd from The Greens, who I understand will move an amendment in the Committee stage. I thank Reverend the Hon. Fred Nile from the Christian Democratic Party for supporting the bill. I also thank the newly minted Parliamentary Secretary, the Hon. Taylor Martin, for his detailed contribution. I will contribute briefly to what has been debated in the House today.

The bill enacts the recommendations presented in the independent review of the Act. I will reiterate the contents of the bill to the House. Clause 1 of the bill sets out the name of the instrument. Clause 2 of the bill allows for the staged commencement of the bill. Clause 3 provides for the immediate omission of section 6 of the Act; that is, immediately removing section 6 in part 2 of the Act dealing with restrictions on aircraft movements, which currently limits the number of daily take-offs and landings to 88. The final provision of the bill, clause 4, will repeal the remainder of the Act. The repeal will occur as laid out in clause 2 (2), that clause 4 will occur on the earlier of a day to be appointed by proclamation, or a day that is three years after the date of assent to this Act. I thank members for their thoughtful contributions to debate on the bill.

I will briefly address some of the issues that were raised by members as quickly as I am able to. I thank the Leader of the Opposition for the Opposition's reasonable approach to the bill. In particular I note the Opposition amendment in relation to three years in place of two years that was passed in the other place last year. I thank Opposition members in the other place for their contributions. I note the contributions of the other local members for their advocacy in that regard and for bringing that issue to the attention of the House. In particular I thank Adam Crouch, the member for Terrigal and Parliamentary Secretary for the Central Coast, for his advocacy—and for his presence in the Chamber this evening—in bringing those issues to the attention of the Government and for working on behalf of his community so ably.

I thank Ms Abigail Boyd and The Greens. I point out that, in relation to the concerns that she raised, it is not the Act that has stopped the expansion but the sensitive environment, the planned and delivered residential development and the complex airspace above the site. When the Act is repealed the community should be comforted that their voices and concerns are considered in the same way as those communities around other regional airports in New South Wales. I thank the Hon. Taylor Martin for his contribution. He highlighted his advocacy for the Warnervale community. In particular he noted the overly complicated and administrative obstacle that the Central Coast Aero Club faces. I thank that club for its contribution and for the great work that it has done in showing how the airport is "unfriendly to aviators". In conclusion I thank all members for their contributions to debate on the Warnervale Airport (Restrictions) Repeal Bill 2020, both today and last year in the other place, particularly those members on the Central Coast who have been close to the airport for many years and who brought that issue to light.

Of course I thank Minister Stokes for his work in the area. I thank his advisers in the Department of Planning, Industry and Environment who have taken carriage of the bill in order to realise the outcomes of the review. In particular I thank Alexandra Tooth and Isabel Virgona for assisting me this evening. I also thank the Central Coast Aero Club and the Central Coast community. I reiterate that 75 per cent of the 939 community responses supported the Act being repealed, and the bill does just that. Further, as a government we must ensure that our laws are clear, tenable and fit for purpose. The passing of the bill is in line with the community feedback that was received and the recommendations of the independent review. The bill will also reduce unnecessary red tape, which is difficult to administer, complex in nature and is not updated with the frequency that is required to assure pilots' safety.



The only Act in New South Wales governing an airport of comparable size is this one. The staged approach is deliberate and effective. It provides a reasonable time frame of three years for council to put in place business and operations plans to sufficiently manage the airport into the future. Let us take a positive step for the Central Coast and repeal this redundant piece of legislation to support community and recreational uses at Warnervale Airport. I thank members and I commend the bill to the House.

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

**Motion agreed to.**

#### **In Committee**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** There being no objection, the Committee will deal with the bill as a whole. I have five amendments in the name of The Greens on sheet c2020-215C.

**Ms ABIGAIL BOYD (22:20):** By leave: I move The Greens amendments Nos 1 to 5 on sheet c2020-215C in globo:

**No. 1 Act not repealed**

Page 3, clause 1, line 3. Omit "*Repeal*". Insert instead "*Amendment*".

**No. 2 Act not repealed**

Page 3, clause 2, lines 5–9. Omit all words on those lines. Insert instead—

This Act commences on the date of assent to this Act.

**No. 3 Replace references to Wyong Council**

Page 3, clause 3. Insert after line 12—

(1A) **Sections 8(4), 10(1), 11(3) and 12(2) and (3)**

Omit "Wyong Council" wherever occurring.

Insert instead "Central Coast Council".

**No. 4 Act not repealed**

Page 3, clause 4, lines 13 and 14. Omit all words on those lines.

**No. 5 Long title**

Omit "and to provide for the repeal of the *Warnervale Airport (Restrictions) Act 1996*".

We have heard lots of evidence around the flight restriction aspect of the Warnervale Airport (Restrictions) Act 1996, which triggered the review and all of these problems. Perhaps I should have another career as an independent reviewer of Acts because what The Greens have done here is actually create what we believe should have been the bill that came to us in the first place. The amendments moved simply remove the flight restrictions while leaving the rest of the protections in the Act in place, rather than the sledgehammer approach of the bill. The five amendments on this sheet are designed around that basic concept. We have of course updated the name of the council, given we intend to keep the rest of the Act, but members will see the remainder of it simply removes that restriction. That is the bit that has been causing the uncertainty and the bit that everybody objects to.

Interestingly, I asked witnesses appearing at the inquiry what they had responded to in community consultations and surveys—including the survey from Portfolio Committee No. 7 – Planning and Environment—around whether they thought the Act should be repealed. It became clear they had never been given an option to have just the bit of the Act that was causing a problem repealed. Even a number of those witnesses who were previously in support of repealing the Act said that they would have gone for an option just to repeal the flight restrictions aspect of the Act with immediate effect, had it been given. But instead of bringing that to us, which we would have passed straightaway, we have this sledgehammer approach and what sounds like a very expensive review. Those are the reasons for these amendments. I encourage members to support them so we can actually do what the Government should have done in the first place.

**The Hon. NATALIE WARD (22:23):** On behalf of the Government I oppose the amendments moved by The Greens. While thanking them for their contribution, I note that The Greens amendments seek to modify the Warnervale Airport (Restrictions) Act 1996 rather than repealing it. The Greens amendments will remove section 6 of the Act, which legislates a cap of 88 flight movements a day, but retain the remainder of the Act. This amendment is not supported by the Government because it fundamentally does not resolve the issue at hand and is not consistent with the recommendations of the independent review and the community's views.

The airport is governed by a raft of existing planning, environmental and aviation legislation and regulations that already provide the necessary checks and balances for public safety and amenity, land use zonings, environmental protections—especially to the highly sensitive wetland area—and aircraft movements. The remainder of the Act merely duplicates the other primary legislation and regulations that are frequently reviewed. I am dealing with all the amendments at this time. The independently undertaken review asked the question: Does the Act remain relevant? The review's findings noted that the Act, though introduced as an instrument to enhance community confidence in the legislative system, is outdated, duplicative and no longer relevant. It has not provided the community with the certainty that it was intended to. Put simply and in conclusion, the Act is not fit for purpose and no amount of amending will make it so. For those reasons, the Government opposes the amendments.

**The Hon. ADAM SEARLE (22:24):** For the reasons that I outlined in my second reading contribution, the Opposition will not be supporting the amendments. The three-year time frame before the Act is repealed gives adequate time for those additional and necessary protections to be put in place for the benefit of the community. Should that not happen, the Minister for Planning and Public Spaces—who I note is in the President's gallery—has given a commitment to put in place a State environmental planning policy to provide those protections if the council "doesn't get its act together" in the time frame provided by the legislation. The other changes that have occurred in the planning system over the past two decades provide the protections that the community legitimately needs, which did not exist at the time the legislation was put in place. The amendments would stop the repeal of the legislation; the Opposition does not support that. The Opposition supports the legislation in its current form.

**The Hon. TAYLOR MARTIN (22:26):** With these amendments, The Greens are persisting with the erroneous assertion that the only thing wrong with the Act is the movement cap. The review by Goldberg and Fiegehen found a long list of problems with the Act, outlined on pages 29 to 32 of the report, which include the fact that legislation is duplicated; definitions are lacking; pilots do not refer to legislation when planning flights, nor should they have to; enforcement is unrealistic and expensive; penalties are poorly defined; there is no exit plan when restrictions are triggered; the council is no longer the consent authority for its own developments; and superior community, environmental, noise and safety protections exist elsewhere.

The review reflected on whether the Act could be improved by amendments instead of being repealed. If members look at the report, on page 30 there is a list of amendments that could be made to update the Act if cost or complexity was not an issue. It is right there in black and white. Basically, the reviewers did The Greens' job for them. It is clear The Greens have not read that report because instead we have the amendments before the Committee that simply remove the movement cap and change the wording to reflect the current local government area while leaving the rest of the Act, with all of the issues I have outlined, intact. The Central Coast deserves better and should not continue to be held back unnecessarily any longer.

**Ms ABIGAIL BOYD (22:27):** I thank the Hon. Taylor Martin for his contribution. I have in fact read the report from cover to cover. I wish the honourable member had, because he would then see that the aspects he referred to are predominantly in relation to flight restrictions and not to the rest of the Act. I commend the amendments to the Committee.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** Ms Abigail Boyd has moved The Greens amendments Nos 1 to 5 on sheet c2020-215C. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....4  
Noes .....32  
Majority.....28

#### AYES

Boyd (teller)  
Faehrmann

Hurst

Shoebridge (teller)

#### NOES

Ajaka  
Amato  
Banasiak  
Borsak  
Buttigieg  
D'Adam  
Donnelly

Franklin  
Graham  
Jackson  
Khan  
Latham  
Maclaren-Jones (teller)  
Martin

Moselmane  
Nile  
Primrose  
Roberts  
Searle  
Secord  
Sharpe

## NOES

Fang  
Farlow  
Farraway (teller)  
Field

Mason-Cox  
Mitchell  
Mookhey  
Moriarty

Taylor  
Tudehope  
Ward

**Amendments negatived.**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The question is that the bill as read be agreed to.

**Motion agreed to.**

**The Hon. NATALIE WARD:** I move:

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

**Motion agreed to.****Adoption of Report**

**The Hon. NATALIE WARD:** On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

**Motion agreed to.****Third Reading**

**The Hon. NATALIE WARD:** On behalf of the Hon. Damien Tudehope: I move

That this bill be now read a third time.

**Motion agreed to.***Adjournment Debate***ADJOURNMENT**

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

That this House do now adjourn.

**ABORIGINAL PROCUREMENT POLICY**

**The Hon. LOU AMATO (22:40):** Australia Day has come and gone, but not without controversy. As we enter a new age where we have learnt from our past mistakes and have chosen harmony over discord, there are some who wish to create division. The good people of our great nation have universally embraced that we are all equal regardless of race, colour or creed. The greatness of our nation has been built on the unity that we all share as Australians. Though we may have different cultural backgrounds we have embraced Australia as our home. Together we have worked to right the wrongs of the past and build this great nation, which undoubtedly will grow in strength in the future. Arguments and disunity that ultimately arise from focusing on the failings of the past serve no purpose. Calling Australia Day "invasion day" is a return to a darker past that will only create disunity and undo the great work that we have achieved in uniting us all as true Australians.

I congratulate the Hon. Don Harwin and the Hon. Damien Tudehope for the Aboriginal Procurement Policy [APP], which came into effect on 1 January 2021. Instead of arguing about a calendar date and an appropriate name for Australia Day, the APP is an example of what can be achieved if we work together as fellow Australians. The APP is a new agreement between the New South Wales Government and Supply Nation, connecting Aboriginal and Torres Strait Islander businesses with government departments. Supply Nation runs the largest directory of verified Aboriginal businesses in Australia. The new procurement policy will make the sourcing of goods, services and construction procurements from Aboriginal businesses easier for government departments. The key takeaway from the initiative is to create jobs and drive growth in the Aboriginal business sector.

Government agencies will be encouraged to give first consideration to Aboriginal businesses for procurements up to \$250,000. Agencies may negotiate directly with an Aboriginal business for all procurements up to \$250,000, even if there is a mandated prequalification scheme or panel in place. The Government is committed to the awarding of 3 per cent of goods and services contracts and 1 per cent of addressable spend to Aboriginal businesses by the end of 2021. The scheme does not include expenditure on goods and services where there are no Aboriginal suppliers available. However, it is hoped that the initiative will provide incentives for the

creation of more Aboriginal businesses to fill the void. Unspent participation funds will be directed to Training Services NSW to support capability and capacity building for Aboriginal people and businesses. In addition, a minimum of 1.5 per cent of project spend to Aboriginal participation will go towards direct employment, subcontracting with Aboriginal businesses or towards the cost of education or training for Aboriginal employees in all construction projects and in goods and services contracts over \$7.5 million.

The Government has set a target of 3,000 employment opportunities for Aboriginal people through government procurement by 2021 and has also implemented a concierge service targeting over 550 Aboriginal businesses in all New South Wales regions. I again congratulate the Government on building unity and strength in our great State. We have seen what greatness our nation can achieve with unity and cooperation. Rehashing the hurts of the past by calling Australia Day "invasion day" will serve us no purpose but to reignite the divisions we have all worked so hard to forgive and repair.

Australia Day is a celebration of all the things we cherish that make us unique and wonderful as a nation. Whatever date has been assigned to the celebration of our present greatness does not honour or celebrate the failings of the past. We celebrate who we are today, not what we may have once been in a time that is no more. We have discovered that true respect of each other has become our primary mode of survival. In this new world, where we have all agreed to live in peace and seek harmony over discord, let us forgive each other the hurts of the past and move forward, united as one people and committed to keeping Australia free and a land where peace is our greatest achievement.

### ROAD TOLLS

**The Hon. JOHN GRAHAM (22:44):** I draw the attention of the House to the rising impact of tolls on the lives of New South Wales drivers. The Premier called it "toll mania". That description might have been inadvertent but the Premier got it right: It is toll mania. In the coming years, 15 toll roads will form a ring around Sydney as we become the most tolled city in the world. The rising cost of tolls is simply too much for the average driver. The Opposition is not opposed to tolls; we are opposed to toll mania. I will list some of the symptoms of toll mania. Some residents of Sydney are paying \$6,000 per annum in tolls.

The Government has imposed a new toll on the old M5 East, flooding local suburbs with traffic. While tolls are increasing 4 per cent a year, wages are stagnant. The Government refuses to put in place toll-free periods for new toll roads. That last matter is something this House had a strong opinion on. This House passed an Opposition bill that would have required toll-free periods as each new toll road opens. This House agreed; but the Government disagreed. A one-month toll-free period would have been worth \$350 in the wallet of a Central Coast commuter. Government members, like the member for Terrigal, Adam Crouch, voted to deny their constituents a toll-free period when NorthConnex opened.

I return to that \$6,000 annual toll figure. The figure comes from an Alpha Beta analysis of commuter spending, which revealed the highest 10 per cent of toll-paying households in seven Sydney council areas are paying an average of more than \$6,000 annually to use toll roads. Fairfield has the lowest median weekly income among Sydney's local council areas, yet has some of the worst toll bills in the State. The highest 10 per cent of toll-paying households in Fairfield are spending an average of \$6,046 per year. Camden Council has the highest average household toll spending in New South Wales, at \$793 per year. Wollondilly shire on the south-western fringe of Sydney is the next highest, with \$774 per year.

It is a road tax on good jobs. Because high-paid jobs tend to be in the city, people in the west face a toll tax on getting to those jobs. I have some examples. Jane is a disability carer living in the Blue Mountains who used to travel regularly to Haymarket for meetings. The cost of fuel already made attending those meetings difficult but the new tollway at the end of the M4 made it unbearable. Jane resigned from the position that took her to Sydney. She described the tolls as a "killer". Spyro was born and raised in western Sydney. He has since moved to the city and trained as a teacher but chooses to give back to his western Sydney roots by teaching in his old community. However, since the Government made the decision to put a new toll on the 20-year-old M5 East, he is faced with paying an additional \$3,800 a year for travelling the same old route to work. In his own words, "Gladys and Andrew's 'toll mania' is forcing me out of my job and away from a community I love."

Jarrah is a university student with a casual job that he loves but that requires him to travel. He regularly needs to do a tour of Sydney's greatest toll roads and finds himself using the M2, the M7, the Harbour Bridge, the Harbour Tunnel, the Eastern Distributor and the Lane Cove Tunnel. Jarrah does not earn much money to start with and toll mania has got to a point where he cannot afford to keep his job. In Jarrah's words, "It is not fair; I love my job and I pay my taxes. This needs to stop." That is the result of the toll tax on jobs. The Opposition supports a parliamentary inquiry into toll mania—an inquiry into the cost of tolls for New South Wales drivers, the prospects for toll relief and the extreme secrecy that currently governs toll road contracts. It is time toll mania is put under parliamentary scrutiny. For the average driver, it has simply become too much.

## CROWN RESORTS

**Mr JUSTIN FIELD (22:49):** The release of the Bergin report on Crown Resorts last Tuesday continues to reverberate around New South Wales and the country. The resignations from the board continue. Western Australia is now considering a judicial review. The report found that Crown was unfit to hold a casino licence in New South Wales and only today the Independent Liquor & Gaming Authority [ILGA] found that Crown is not suitable to hold its gaming licence for its Barangaroo casino. The report was clear. It found that the veracity of allegations that Crown facilitated money laundering was established. It found that the veracity of allegations that Crown partnered with junket operators that had links to organised crime was established.

The inquiry was sparked by media reporting in mid-2019 and by the release of previously privileged documents in an order for papers that raised questions about whether or not the sale of Crown shares by James Packer's Consolidated Press Holdings to Melco Resorts breached the 2014 agreement between the New South Wales Government and Crown. It is important not to forget that allegations about connections between Crown's casino operations, money laundering and organised crime were not new. There were media exposés as early as 2014 and more in 2017 that alleged that Australian casinos, including Crown's, had targeted Asian VIP gamblers to boost their profits and in doing so ran the serious risk of exposure to organised crime.

We know that the Australian Federal Police [AFP] had an open investigation into associates of Crown and their role in money laundering as far back as 2014, and as far back as 2010 the Australian consulate in China warned Crown Resorts about significant levels of fraud in its visa program that was bringing VIP high rollers to Australia and said that it was rejecting one in every 10 applications by Crown. We now know that the Barangaroo casino project had its origins in a private meeting in early 2012 between then Premier Barry O'Farrell and James Packer at the home of Alan Jones, the broadcaster. Later in 2012, Packer was given a tip-off about the unsolicited proposal process and a new "uniqueness" criteria was established to avoid the need for a competitive tender.

Things moved quickly from there. O'Farrell signed up to a series of agreements, firstly in 2013 for Crown to build and operate the casino and then in 2014 to provide Crown its gaming licence and a series of other approvals. But what of the probity checks that were required by law at that time? They were conducted between 2013 and 2014. How did they not pick up this AFP investigation and the visa concerns? We do not know any of that—there is no public record of the probity process and there is nothing about how it was conducted or who conducted it on the public record. We do not know the outcome of the probity checks, we do not know if they informed Cabinet deliberations or how the results fed into agreements between Crown and the Government. We do know that Crown agreed to pay \$100 million for a licence fee and it also agreed to pay \$1 billion over 15 years in casino royalties.

The head of the New South Wales Independent Liquor & Gaming Authority at the time of the approval said publicly of the licence approval process that it took only three months, "which probably rates as one of the fastest assessments of a casino applicant in history". The Bergin inquiry was a deep dive into Crown, but we are left largely in the dark about the political and bureaucratic failures that led to the approval of this licence and the approval of that building in the first place. Was the probity process lacking? Was there political interference? Did the promise of hundreds of millions of dollars grease the wheels in a substandard fast-tracked probity process? Sydney now lives with a large, ugly scar on the harbour as a reminder of this failure. We cannot allow that to happen again.

The Bergin inquiry charts a way forward for an independent casino commission—a standing royal commission that would be an independent regulator with resources and teeth, a bright light to shine on a process that has been marred by secret meetings and special deals for billionaires. It is a blight on this Coalition Government's record and it deserves more criticism for it. Conveniently, it has passed a lot of that onto Crown. Having said that, I acknowledge that the current Minister, Minister Dominello, has strongly supported this inquiry. He has been willing to turn on a spotlight and is taking the need for reform seriously. I also acknowledge the ILGA chair, Mr Philip Crawford, for his straight talking, which has been appreciated by the community. I call on all members of Parliament to support the important reforms recommended by this inquiry that, I am sure, will come to this place in the near future.

## TRIBUTE TO THE RT HON. DOUG ANTHONY, AC, FORMER LEADER OF THE NATIONAL PARTY AND DEPUTY PRIME MINISTER OF AUSTRALIA

### TRIBUTE TO CHRIS MURPHY

**The Hon. BEN FRANKLIN (22:54):** I pay tribute to two iconic Australians whose memorial services were held just four days apart in late January this year, both of which I was privileged to attend. They were two very different Australians involved in entirely separate spheres but who both left a lasting impact on this nation.

Doug Anthony was a visionary politician who successfully advocated for the interests of regional Australia for his entire life. Chris Murphy was a pioneer of the music industry who led iconic Australian band INXS to international fame.

People often say that there are few true statesmen left among politicians and now there is one fewer. Doug Anthony remains Australia's longest-serving Deputy Prime Minister. He was a force to be reckoned with and a man of absolute integrity. I proudly say that he was from Murwillumbah, and was a beloved son of the North Coast of New South Wales. From humble beginnings as a Murwillumbah dairy farmer, Doug remained humble and true to himself until the end. He may have been humble but he did not lack tenacity. Doug stood his ground for regional Australia and took the then Country Party from strength to strength. In the 1970s he refused to support the push to increase the value of the Australian dollar, which would ultimately hurt rural exports. He also publically called out and shamed Britain for the damage it caused to Australia's wool and wheat industries. On this issue he said:

Here we were, their best friend they'd ever had. We'd sent our forces to Gallipoli, we'd sent our forces to France. The second war we came along and gave all the support possible ... And yet here, after supplying you with about 15 years of food at a concessional price, you go and dump us!

Disappointed but undeterred, Doug went on to strengthen our relationship with Japan and coordinate trade deals with Asia and the Middle East, to the enormous benefit of the agricultural and mining industries. As Minister for Primary Industry, he was heavily involved in measures affecting the major rural export industries: reconstruction of the dairy industry; the introduction of wheat quotas; the establishment of a wool reserve price scheme and the Australian Wool Commission; and the upgrading of Australian export abattoirs. But, of course, he was perhaps most beloved for running the country as Acting Prime Minister out of a caravan on the Far North Coast while on holiday. Doug Anthony was a giant and we shall never see his like again.

I also honour the memory of Chris Murphy. He is perhaps most famously known as the manager of INXS, but to everyone who knew him personally he was just Chris. He was passionate, energetic and a force of nature. He loved his family, his horses and his home, and he got great pleasure out of the simple things in life. Chris' diagnosis and passing was sudden. It has left many people shocked and saddened that this larger-than-life character is no longer with us. I am one of these people, and it was a privilege to call him my friend. It seems so strange that I will no longer pick up the phone to hear Chris passionately extolling the virtues of a museum in Ballina to honour the contribution of INXS to our nation. The X museum was to be an entertainment, technology and community hub, and would house memorabilia to share the extraordinary story of the band.

It is impossible to talk about the legacy that Chris has left without talking about his international success with INXS. As manager of the band for nearly 20 years, between 1979 and 1995, Chris made INXS a household name with unforgettable songs like *Never Tear Us Apart* and *New Sensation*. On Chris' passing, the remaining members of the band said:

Without Chris's vision, passion and hard work, the INXS story would be totally different. Chris's star burned very bright and we celebrate a life well lived.

Chris' achievements in life go far beyond his days with INXS. His father died when he was only 16, after which he joined his mother in running their family business. He had a passion for agriculture, and produced organic chickens and delivered lamb to restaurants all across the world. In 1987 *BRW* magazine rated Chris as Australian Entrepreneur of the Year. But to those who will mourn his loss the most, he was simply a much-loved husband, son, father and grandfather. To Doug's wife, Margot, and Chris' wife, Caroline, and their extended families, I say thank you for sharing two wonderful men with us all for so long. Vale, Doug Anthony and Chris Murphy. They defined the best of what it is to be Australian and their legacies will live on long after we are all gone.

### HAWKESBURY REGION

**The Hon. WALT SECORD (22:59):** New South Wales is blessed with many great locations and regions—and one of those is the Hawkesbury. I have always been fascinated by this region but never had the time to fully explore it until COVID. I visited the historic Wisemans Ferry, the Wisemans Ferry tavern, St Albans, the MacDonald River bridge, the Settlers Arms Inn and the Ebenezer Church—Australia's first church founded by the Presbyterian movement. The visit also included the five Macquarie Towns—the collective term for Castlereagh, Pitt Town, Richmond, Wilberforce and Windsor—which were established by Governor Lachlan Macquarie in December 1810. I commend the experience to members and in particular I recommend a trek on the Old Great North Road Convict Trail, one of the 11 United Nations Educational, Scientific and Cultural Organization listed Australian convict sites. It is quite an engineering feat, especially when one thinks about the harsh inland conditions more than two centuries ago. It is a 240-kilometre road linking Sydney to the Hunter.

I also visited the oldest Catholic church on mainland Australia and the oldest Anglican church in Australia, which were both in Windsor. It was wonderful to discover that the Anglican church is the site of Henry Kable's

grave. He made Australian legal history as the first convict in Australia to sue the government. He won damages of £15 against the ship's captain after a parcel of goods was stolen from him on the transport in the First Fleet. It would come as no surprise that Henry Kable is the ancestor of Michael Egan, the long-serving former Treasurer of New South Wales and chancellor of Macquarie University. For the record, he was one of the State's finest Treasurers. Mr Egan is rightly proud of his personal connection and it is no wonder that they are connected. Both men show considerable intellect and chutzpah. Henry Kable, his wife and their child were among the first of more than 165,000 men, women and children transported to Australia between 1788 and 1868, and much of early settlement life can still be read in the Hawkesbury.

The region reveals other stories too, many of them tragic and violent. Originally, my interest in the region was piqued by Kate Grenville's *The Secret River* and the various interpretations of her work. As the son of a Mohawk-Ojibway First Nation from southern Canada, I have read much about the dispossession of Aboriginal people. That was one of the main reasons that I sought out the region for personal exploration. I am familiar with the novel, the television drama, the theatrical production and, most recently, her follow-up book *Searching for the Secret River*. It is a fascinating story of how Ms Grenville came to write the award-winning novel, incorporating research about her ancestor Solomon Wiseman, who was transported to New South Wales and established Wisemans Ferry. While *The Secret River* is a work of historically inspired fiction, there is much true history of the Hawkesbury that is just as moving and some of it is deeply unsettling. I stayed on the Hawkesbury in the area where it is believed that a massacre occurred. It neatly folds into a society still reckoning with how to balance the present with its deadly past.

Members would also be aware that I have spoken many times about the Myall Creek massacre in June 1838 near present-day Bingara in the State's north-west and the role of the State's then Attorney General John Hubert Plunkett, who insisted that the perpetrators be tried. We must remind ourselves that being tried for murdering an Aboriginal was considered a radical outcome at that time. Eventually, seven men were convicted and hanged for the murder of 28 Aboriginals. I have had the honour to speak and attend the Appin massacre commemoration in Sydney's south-west and several Myall Creek massacre commemorations in the north-west. I hope to attend again later this year. Finally, as shadow Minister for the Arts, I popped into the Hawkesbury Regional Gallery at Windsor. The visit coincided with the first day the council allowed its elderly volunteers to return during COVID.

One of the artists in the *Eat Art* exhibition was Chrissy Flanagan, who served as a press secretary in the last State Government. Today she runs The Sausage Factory in Dulwich Hill, which serves gourmet sausages and her own line of craft beer. After the gallery visit, I sought out Ms Flanagan and discovered her successful business, which is like the thousands of others operating in a COVID environment. On that note, I also discovered several wineries in the Hawkesbury—Jubilee Vineyard Estate and Tizzana Winery—that I believe should get more support from the State Government to publicise them. Tizzana was founded by Dr Thomas Fiaschi, a surgeon, who arrived in the Hawkesbury in the 1870s. The winery is in a National Trust classified sandstone building. The famous statue of a wild pig at the top of Martin Place—a replica of the famous seventeenth-century bronze Il Porcellino in Florence—is a monument to Dr Fiaschi. As I said earlier, it is a wonderful time to explore New South Wales. I thank the House for its consideration.

### KOALA POPULATIONS AND HABITAT

**The Hon. EMMA HURST (23:03):** Australia and New South Wales have been exposed once again as environmental destroyers. We are the only developed nation on the World Wildlife Fund's 2021 world list of deforestation hotspots, with eastern Australia named and shamed alongside Colombia, Peru, Laos and Mozambique. This should not come as a surprise. Land clearing in New South Wales has risen nearly 60 per cent since this Government relaxed our native vegetation protection laws in 2017. Now there are 980 threatened species and over 100 threatened ecological communities here in New South Wales. We are losing biodiversity at an alarming rate and Australia now has one of the highest rates of extinction in the world, yet this Government is refusing to act.

Good outcomes for animals and the environment clearly are not being achieved under the current laws. Assessing and listing threatened species is not good enough, because a lot of the time that is all we are doing. Under the Environment Protection and Biodiversity Conservation Act, there is no requirement to implement a species recovery plan or to report on progress and the outcomes achieved. Where plans are made, they generally are not backed by the necessary action to implement them. Under these arrangements our failures have been made abundantly clear. The list of threatened species and communities has increased over time and very few species have recovered to the point that they can be removed from the list. Koalas are a key example of this. These iconic animals continue to face extinction in New South Wales because of the Government's ongoing failure to take action.

Nine years ago koalas were listed as a vulnerable species requiring a recovery plan, which was supposed to be developed and commence in 2014. Now, in 2021, there still is no recovery plan for koalas. There is not even a threat abatement plan for koalas. Their populations continue to decline. Why? Because developers can still clear what little remains of koala habitat. While they may be required to "offset" what has been lost, government audits have found environmental offset programs often have been ineffective and have worsened the plight of endangered species. To make matters worse, in New South Wales offsets can just involve paying an additional fee. The Black Summer bushfires took a devastating toll on koalas. Approximately one-third of koalas living in New South Wales were killed, and up to 70 per cent of the North Coast population was wiped out. The scale of loss is now understood to be so high that koala populations may now be upgraded from vulnerable to endangered. I say it again: Koalas face extinction in New South Wales.

Yet recently this Government has taken another step backward on koala protection. After finally updating the 25-year-old State Environmental Planning Policy for koalas in early 2020 to include improvements for koala protections, the Government then undercut any positive change this may have achieved for koalas by introducing the Local Land Services (Miscellaneous) Bill. This bill was referred to as the "koala killer" bill for a reason: It watered down the definition of "core koala habitat" and enabled land clearing for the majority of agribusiness without any provisions or restrictions. Thanks to the brave actions of the Hon. Catherine Cusack and her ongoing commitment to koala protection, the bill did not pass. But with the Government now reverting to a 25-year-old policy that continues to provide little protection for koalas, something needs to urgently change.

I say to this Government: Any new policy developed in 2021 must put in place genuine protections for koala habitat. Our failure to protect these animals cannot continue. Last week nearly 100 community members stood outside Parliament and tied messages to the fence line begging the Premier to protect these animals. Koalas have a right to survive. By creating the Great Koala National Park, ending native forest logging and ending the clearing of koala habitat for agriculture, mining and urban development, we can ensure they do. It is time the members of this House acknowledged other species' intrinsic value and their right to exist. What is faced by koalas is not unique. The Bellinger River snapping turtle, northern and southern corroboree frog, regent honeyeater, beach stone-curlew and long-footed potoroo are just some species facing a similar fate. We must act before animals become endangered and we must intervene to prevent extinction, because their lives should not be an afterthought. Their extinction and their suffering is caused by us.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 23:09 until Wednesday 17 February 2021 at 10:00.**