



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 18 February 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 18 February 2021

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

The PRESIDENT read the prayers.

Motions

CARE DAY

The Hon. PENNY SHARPE (10:01): I move:

- (1) That this House notes that Friday 19 February 2021 is Care Day, a global celebration of children and young people with care experience.
- (2) That this House further notes that:
 - (a) over 16,000 children and young people live in out-of-home care in NSW;
 - (b) while the number of children living in out-of-home care has recently decreased, the proportion of Aboriginal children living in out-of-home care has increased;
 - (c) young people leaving out-of-home care at the age of 18 face increased risk of homelessness, substance use and contact with the criminal justice system;
 - (d) the Home Stretch campaign calls for State and Territory Governments to extend the leaving care age from 18 to 21 years old; and
 - (e) every child and young person in NSW deserves to be loved and nurtured in a safe and secure home.
- (3) That this House commits to working to ensure every child or young person in, or at risk of entering out-of-home care is supported to have a safe and secure home.

Motion agreed to.

TRIBUTE TO LEONIE JACKSON

The Hon. PENNY SHARPE (10:02): I move:

- (1) That this House notes with sadness the death of deaf community leader Leonie Jackson, a pioneer of deaf education and inclusion.
- (2) That this House further notes that:
 - (a) Leonie Jackson served as the first deaf Chief Executive Officer in the 100 year history of The Deaf Society;
 - (b) Ms Jackson started her career teaching at the Royal Institute for Deaf and Blind Children in Sydney, helping to establish and teach Australia's first bilingual learning program for deaf children aged two to five;
 - (c) Ms Jackson's colleagues describe her as a dynamic community leader who had never been passive in her advocacy and support of the deaf community;
 - (d) Ms Jackson broke down barriers, built up community capacity, and always passionately acted on the opportunities she saw for deaf Australians, particularly deaf children; and
 - (e) Leonie Jackson died on the 17 January 2021 while bravely rescuing her two sons from a rip while they were swimming at Congo Beach near Moruya on the New South Wales South Coast.
- (3) That this House passes on its deepest condolences to Leonie Jackson's family, her colleagues and the deaf community across New South Wales who are experiencing such a deep loss after Leonie's passing.
- (4) That this resolution be communicated by the President to the family of Leonie Jackson.

Motion agreed to.

INTERNATIONAL WOMEN'S DAY

The Hon. PENNY SHARPE (10:02): I move:

- (1) That this House notes that:
 - (a) Monday 8 March 2021 is International Women's Day; and
 - (b) the theme of International Women's Day in 2021 is "Choose to Challenge", an opportunity for everybody to challenge and call out gender bias and inequality.
- (2) That this House further notes that:

- (a) Australia is rapidly falling behind the rest of the world when it comes to gender equity, with Australia ranking forty-fourth out of 153 countries in the World Economic Forum's 2020 GlobalGender Index after previously ranking fifteenth in 2006; and
 - (b) Australia is ranked forty-ninth on the Economic Participation and Opportunity Index, fifty-seventh on the Political Empowerment Index and 104th on the Health and Survival Index.
- (3) That this House further notes that:
- (a) the economic recession which followed COVID-19 continues to disproportionately affect women and will be felt by women for years to come;
 - (b) women are more likely to be insecurely employed and were far more vulnerable to economic effects of COVID-19, with women more likely to lose their jobs or face a reduction in hours;
 - (c) women carried the heaviest burden of risk of exposure to the virus, making up the majority of the cleaning, healthcare, personal care, retail, accommodation, hospitality, and education sectors;
 - (d) women have been far less likely to access relief or assistance from government stimulus measures, which have overwhelming targeted male-dominated industries like construction and manufacturing; and
 - (e) women's advocates have named 2020 as the worst year in domestic and family violence against women, as lockdowns and financial pressures have increased the severity and prevalence of abuse.
- (4) That this House commits to:
- (a) reversing the rapid decline New South Wales and the rest of Australia faces when it comes to equity for women; and
 - (b) actively supporting women across New South Wales who continue to be disproportionately affected by the COVID-19 pandemic and recession.

Motion agreed to.

WORLD NGO DAY

The Hon. PENNY SHARPE (10:03): I move:

- (1) That this House notes that:
- (a) Saturday 27 February 2021 is World NGO Day, a day recognising the crucial role of non-government organisations in our communities;
 - (b) across New South Wales the NGO sector works tirelessly to serve its communities, protect community wellbeing, and support the most vulnerable people across our State;
 - (c) the NGO sector is particularly important in supporting children who experience abuse and neglect, as well as the advocacy and inclusion of people with disability; and
 - (d) during the bushfires, floods and pandemic of 2020, many New South Wales NGOs went above and beyond to adapt their service delivery and meet community need.
- (2) That this House commits to:
- (a) building the capacity of the NGO sector to support the people of New South Wales; and
 - (b) investing in the NGO sector to build community resilience, support and development, while also creating good quality jobs.
- (3) That this House calls on the Minister for Families, Communities and Disability Services to fund the NGO sector properly to meet increasing community need.

Motion agreed to.

HEARING AWARENESS WEEK

The Hon. PENNY SHARPE (10:03): I move:

- (1) That this House notes that:
- (a) 1 to 7 March 2021 is Hearing Awareness Week in Australia, with World Hearing Day falling on 3 March 2021;
 - (b) the theme of World Hearing Day in 2021 is "Hearing Care for ALL! Screen. Rehabilitate. Communicate"; and
 - (c) Hearing Awareness Week draws attention to the fragility of our hearing health and promotes ways to protect it.
- (2) That this House further notes that:
- (a) one in six Australians are estimated to be affected by hearing loss, including 70 per cent of Australians over the age of 70;
 - (b) a third of Australians with hearing loss have a hearing condition that could have been prevented;
 - (c) a major cause of hearing loss is exposure to loud noise while at work without adequate protection;

- (d) hearing loss is a major public health problem in remote Aboriginal communities, particularly in children who experience much higher rates of middle ear infection leading to hearing loss; and
 - (e) many deaf and hard of hearing Australians, including Auslan users, experience significant disadvantage when accessing education, employment and services.
- (3) That this House commits to:
- (a) working to reduce the number of people in New South Wales with unaddressed hearing loss and ear diseases; and
 - (b) supporting the inclusion of deaf and hard of hearing people often face in New South Wales when accessing education, employment and public services.

Motion agreed to.

Documents

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Documents Reported to be Not Privileged

The Hon. ADAM SEARLE (10:04): I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 14 January 2021, on the disputed claim of privilege on a document relating to the interests and representations of Mr Daryl Maguire, this House orders that the document considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the document is authorised to be published.

Motion agreed to.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Documents Reported to be Not Privileged

The Hon. ADAM SEARLE (10:04): I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 20 January 2021, on the disputed claim of privilege on documents relating to a further order for papers regarding the ministerial disclosures of private benefits for Mr Daryl Maguire, this House orders that the documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

STATE BUDGET

Tabling of Documents Reported to be Not Privileged

The Hon. ADAM SEARLE (10:05): I move:

- (1) That, in view of the second report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 16 January 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the 2020-2021 Budget, this House orders that the redacted copies of privileged documents received by the Clerk on Wednesday 3 February 2021 and considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

BUDGET FINANCES

Tabling of Documents Reported to be Not Privileged

The Hon. ADAM SEARLE (10:05): I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 16 January 2021, on the disputed claim of privilege on documents relating to an order for papers regarding 2020-2021 Budget Finances, this House orders that:
 - (a) the documents numbered TSY.001.003.0001, TSY.001.002.3655 and TSY.001.002.3662, received on 10 December 2020, considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk; and
 - (b) that the redacted copies of privileged documents received by the Clerk on Wednesday 3 February 2021 and considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

*Motions***MULLETFEST**

The Hon. TAYLOR MARTIN (10:06): I move:

That this House notes that:

- (a) from 26 to 28 February 2021, Mulletfest will be held in Kurri Kurri; and
- (b) in 2021, entrants will compete in several categories including:
 - (i) Junior;
 - (ii) Ranga;
 - (iii) Vintage;
 - (iv) Grubby;
 - (v) Extreme;
 - (vi) International; and
 - (vii) Everyday.
- (c) competition entrants are judged on their haircut, overall presentation and stage presence with an overall person being crowned "Best Mullet of them All"; and
- (d) registrations are currently open and anybody whose hair is business at the front and party at the back is encouraged to participate.

Motion agreed to.

CESSNOCK CUSTOMER SERVICE AWARDS

The Hon. TAYLOR MARTIN (10:06): I move:

(1) That this House notes that:

- (a) on Friday 4 December 2020 the Cessnock Chamber of Commerce held the 2020 Cessnock Customer Service Awards at Cessnock Leagues Club; and
- (b) winners of awards included:
 - (i) Retail (clothing): Rachael Boorman, Rockmans;
 - (ii) Retail (specialist): Steve Whitby, Cessnock Bicycle Company (overall Retail category winner);
 - (iii) Retail (other): the team at Ritchie's IGA Cessnock;
 - (iv) Real estate: Katrina Radnidge, Sternbeck's Real Estate;
 - (v) Legal: Tayla Oliver, Oliver and Co Conveyancing;
 - (vi) Finance: Kayla Russell, Palfreyman Chartered Accountants (overall Professional Services category winner);
 - (vii) Professional (other): Nicole Wadsworth, CR Smyth and Son Funeral Services;
 - (viii) Fitness: Alayne Rohr, Total Fitness;
 - (ix) Health and medical: Brenna Evans, Matthew Evans Podiatry and Sports Services;
 - (x) Education and training: Kylie Hoad, St Patrick's Primary School (overall Community; Education and Wellbeing category winner and Chamber Choice winner);
 - (xi) Community services: Catherine Knight, Mai-Wel;
 - (xii) Cellar door: Ken Hutchinson, Hanging Tree Wines;
 - (xiii) Pubs and clubs: Robyn Henderson, Paxton Bowling Club;
 - (xiv) Tourism and accommodation: Tegan Vitnell, Wine Country Motor Inn;
 - (xv) Restaurants, cafes and takeaway: Marlene Fulham, Burgerfiend (overall Tourism and Hospitality category winner);
 - (xvi) Industrial trades: Mitchell Lucas, Eagles Plumbing Plus;
 - (xvii) Beauty trades: Emma Ekert, Bella You Beauty (overall Trades category winner); and
 - (xviii) Creative trades: Tiffany Tregenza, Noah and the Fox.

(2) That this House acknowledges the outstanding work of the Cessnock Chamber of Commerce and congratulates all winners of the 2020 Cessnock Customer Service Awards.

Motion agreed to.

CHARLIE HUNTER

The Hon. TAYLOR MARTIN (10:06): I move:

- (1) That this House notes that:
 - (a) on 29 January 2021, Wamberal local Mr Charlie Hunter was part of the University of Oregon's distance medley relay team that set a National Collegiate Athletic Association all-time indoor record of 9 minutes, 19.42 seconds at the Razorback Invitational held in Fayetteville, Arkansas;
 - (b) on 30 January 2021, Mr Hunter broke the Australian record for the indoor mile at the meet with a time of 3 minutes, 54.54 seconds and was the fourth-fastest collegiate time in history;
 - (c) Mr Hunter was subsequently named men's National Athlete of the Week by the U.S. Track & Field and Cross Country Coaches Association;
 - (d) on 12 February 2021, Mr Hunter lowered then beat his recently set Australian national record for the indoor mile with a new time of 3 minutes, 53.49 seconds at the Tyson Invitational; and
 - (e) on 13 February 2021, Mr Hunter became the fifth-fastest performer in college history and set another Australian record when he finished the 800m event in 1 minute, 45.59 seconds.
- (2) That this House congratulates Mr Hunter on his recent performances and wishes him success in the lead-up to the Tokyo Olympics later this year.

Motion agreed to.

MATTHEW GRAHAM

The Hon. TAYLOR MARTIN (10:07): I move:

- (1) That this House notes that:
 - (a) on 5 February 2021, Central Coast local Mr Matthew Graham secured a bronze medal in the mogul skiing event at the International Ski Federation World Cup at Deer Valley in the United States;
 - (b) on 6 February 2021, Mr Graham received a silver medal in the Men's Dual Moguls event; and
 - (c) the combined results resulted in Mr Graham moving to first place in the World Cup standings and wearing the yellow leader bib with one World Cup competition remaining this season.
- (2) That this House congratulates Mr Graham on his results in Deer Valley and wishes him success in the final event in Kazakhstan on 14 March 2021.

Motion agreed to.

CENTRAL COAST ACADEMY OF SPORT AWARDS

The Hon. TAYLOR MARTIN (10:07): I move:

- (1) That this House notes that:
 - (a) the Central Coast Academy of Sport Awards Evening was held on Wednesday 2 December 2020 at Mingara Recreation Club; and
 - (b) a number of awards were presented, including:
 - (i) Male Athlete of the Year: Alexander Jones (Hockey);
 - (ii) Female Athlete of the Year: Stella Norris (Triathlon);
 - (iii) Chairman's Award: Olivia Miles (Netball) and Brianna Kelly (Basketball);
 - (iv) The Ray Sandell Dedication to Sporting Excellence: Jason Millers (Golf);
 - (v) RASi Coaches Award: Brett Johnson (Hockey); and
 - (vi) Life Members: Jan Mayfield, Carolyn Kay and Ian Robilliard, OAM.
- (2) That this House congratulates all award winners for their achievements at the Central Coast Academy of Sport.

Motion agreed to.

*Documents***NEWCASTLE EDUCATION PRECINCT****Tabling of Documents Reported to be Not Privileged**

The Hon. PETER PRIMROSE (10:07): I move:

- (1) That, in view of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 3 February 2021, on the disputed claim of privilege on papers relating to the Newcastle Education Precinct, this House orders that the documents

received by the Clerk on 2 December 2020 from the Department of Premier and Cabinet and considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.

- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

Motions

INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

The Hon. NATALIE WARD (10:08): I move:

- (1) That this House notes that:
- (a) International Holocaust Remembrance Day and the Liberation of Auschwitz was commemorated on 27 January 2021;
 - (b) Holocaust survivors from across Australia participated in candle lighting ceremonies to ensure that the memory of the six million Jews murdered in the Holocaust is never forgotten;
 - (c) the Australian theme for this memorable event, "Be a Light in the Darkness", encourages Australians to reflect on the depth that humanity can sink to but also how individuals and communities resisted that darkness in the past and the ways in which we can "be a light" today and in the years ahead; and
 - (d) Holocaust Museums across Australia united to present a moving commemoration and illuminate ways that we can all be a light for humanity in the darkness, through the inspiring words of Holocaust survivors and leaders in society.
- (2) That this House thanks the New South Wales Jewish community for their contributions to our harmonious multicultural way of life in New South Wales.

Motion agreed to.

NATIONAL APOLOGY

The Hon. SHAOQUETT MOSELMANE (10:08): I move:

- (1) That this House:
- (a) acknowledges that Friday 12 February was the thirteenth anniversary of the National Apology to Stolen Generations made by former Prime Minister Kevin Rudd;
 - (b) acknowledges the generational trauma caused by the removal of Aboriginal children from their families; and
 - (c) reaffirms the commitment of the New South Wales Parliament to Closing the Gap targets and improving outcomes for First Nations people in New South Wales.

Motion agreed to.

Documents

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Documents Reported to be Not Privileged

The Hon. MARK LATHAM (10:09): I move:

- (1) That in view of the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege on documents relating to a further order for papers regarding interests and representations of Mr Daryl Maguire, the 13 Department of Premier and Cabinet documents considered by the Independent Legal Arbiter to be not privileged be laid on the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That the conduct of business for today be as follows:

- (1) A Minister to move a motion for a special adjournment until Tuesday 16 March 2021.
- (2) Government business order of the day for the Road Transport Legislation Amendment (Drink and Drug Driving) Bill 2021 take precedence until concluded.
- (3) Following the Road Transport Legislation Amendment (Drink and Drug Driving) Bill 2021 private members' business take precedence with items considered in the following order:
 - (1) Private members' business item No. 973 outside the order of precedence standing in the name of the Hon. Adam Searle relating to the censure of the Leader of the Government for non-commencement of the Modern Slavery Act.
 - (2) Private members' business item No. 1019 outside the order of precedence standing in the name of the Hon. Mark Latham relating to an order for papers regarding Sydney CBD-based government sector workers.
 - (3) Private members' business item No. 1037 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding harbour tolling plans.
 - (4) Private members' business item No. 1038 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding the procurement of new ferries.
 - (5) Private members' business item No. 996 outside the order of precedence standing in the name of Ms Abigail Boyd relating to a sex work local government conference motion.
 - (6) Private members' business item No. 352 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill.
 - (7) Private members' business item No. 1039 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding the establishment of Resilience NSW.
 - (8) Private members' business item No. 1007 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding bushfire recovery grants for small business and primary producers.
 - (9) Private members' business item No. 1031 outside the order of precedence standing in the name of Mr Justin Field relating to a further order for papers regarding floodplain harvesting regulation.
 - (10) Private members' business item No. 1043 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to the Greater Macarthur koala population.
 - (11) Private members' business item No. 1063 outside the order of precedence standing in the name of Mr David Shoebridge relating to bushfire and council grants.
 - (12) Private members' business item No. 1042 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers regarding water projects and cap modelling.
 - (13) Private members' business item No. 992 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding planning for Rhodes.
 - (14) Private members' business item No. 988 outside the order of precedence standing in the name of the Hon. Natalie Ward relating to 100 years of Rotary.
 - (15) Private members' business item No. 1004 outside the order of precedence standing in the name of the Hon. Natasha Maclaren-Jones relating to the COVID-19 Vaccine and Treatment Strategy.
- (4) Government business take precedence.

Motion agreed to.

Special Adjournment

SPECIAL ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House at its rising today adjourn until Tuesday 16 March 2021 at 2.30 p.m.

Motion agreed to.

Bills

**ROAD TRANSPORT LEGISLATION AMENDMENT (DRINK AND DRUG DRIVING OFFENCE)
BILL 2021**

Second Reading Speech

The Hon. SCOTT FARLOW (10:23): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill.

The purpose of this bill is to amend the Road Transport Act 2013 (the Act) to introduce a combined alcohol and drug driving offence for drivers with prescribed concentrations of alcohol combined with the presence of a prescribed illicit drug. The bill includes a new range of penalties attached to the offence—designed to better deter this high-risk behaviour and reduce the number of devastating crashes impacting on our community.

The intention of this bill is to deter drivers from putting themselves and others at significant risk when driving with a mix of alcohol and prescribed illicit drugs in their system, and to send a clear message to the community that this high-risk behaviour will not be tolerated on New South Wales roads.

The bill provides for higher penalties for the combined offence to reflect the greater road safety risk created by these offending drivers. The range of penalties includes higher fines, licence and vehicle sanctions for people convicted of the combined drink- and drug-driving offence. It expands the mandatory alcohol interlock order to the combined offence, and requires offenders to undertake a drink- and drug-driving education and behaviour change program.

The impact of road trauma is real for so many in our communities. The aim for all of us—government, law enforcement, businesses, communities, families and individuals—should be to work together to do everything in our power to push the number of fatalities and serious injuries on New South Wales roads Towards Zero. This new offence shows just how committed the New South Wales Government is to making our roads the safest in the world.

Some of you may have heard this offence referred to as the Four Angels Law after four children killed in an Oatlands crash in February last year by a driver who had been drink driving and taking drugs. We want to prevent further tragic losses from such reckless and irresponsible behaviour. This behaviour will not be tolerated.

I cannot express how difficult it is to hear about such tragic deaths and my heart goes out to the families and friends of those involved in such crashes. I am so pleased to be introducing this bill and contributing to saving lives on New South Wales roads.

Rationale

In 2018 the Government launched the Road Safety Plan 2021 which featured targeted and proven initiatives to address key areas of trauma and types of crashes occurring on New South Wales roads—including those involving drink and drug driving.

As part of the Road Safety Plan 2021, penalties and licence sanctions for drink driving have been significantly enhanced, and Transport for NSW is developing an offenders drink- and drug-driving education strategy. This is underpinned by extensive random breath and drug testing conducted by police.

However, there remains a significant trauma problem and more can be done.

In New South Wales, between 2015 and 2019 there have been 101 serious casualty crashes involving 101 drivers or riders with illegal levels of alcohol combined with prescribed illicit drug presence. These crashes resulted in the deaths of 98 people and the serious injury of a further 52. Eighty-five (84 per cent of those) involved drivers or riders with mid- or high-range alcohol levels.

Of these fatalities and serious injuries during 2015 to 2019 almost three quarters (74 per cent) of fatalities and 58 per cent of serious injuries occurred on country roads.

We know that motorists with mid- or high-range alcohol levels are already putting the community at significant risk, given the impairing effects of alcohol on driving behaviour. The combination of drugs with alcohol further increases this risk to the community. Research has shown that the combination of drugs and alcohol increases the risk of a fatal crash by 23 times.

Of the fatalities that occurred on our roads between 2017 and 2019, 17 per cent involved illegal levels of alcohol, 21 per cent involved illicit drug presence, and 6 per cent involved a combination of illicit drugs and alcohol.

Deterrence

We all know that drink driving has reduced significantly from a high in the 1970s. Despite the successes of the past, over recent years there has been no substantial reduction in the proportion of trauma involving drink or drug driving. Therefore we need to continue to deter drivers from getting behind the wheel of a car when they have had alcohol or drugs.

The current approach to deter this high risk behaviour is based on Deterrence Theory, which highlights that drivers will avoid engaging in offending behaviours if they fear the perceived consequences of the behaviour. Research evidence shows that, to maximise deterrence, the effectiveness of sanctions depends on three main factors:

- certainty of the punishment - including the risk of detection and the probability of the penalties being applied.
- severity of the punishment - including the legal threat of sanctions and how they are imposed.
- swiftness of the punishment - how quickly after the offence the punishment is applied.

Essentially, if people believe they are likely to be caught and receive harsh and swiftly delivered punishment, they will be less likely to commit an offence.

The new combined offence addresses each of these factors.

Firstly, certainty of punishment. Police conduct millions of random breath tests each year and this Government has committed to two hundred thousand mobile drug tests each year.

It will be standard practice for drivers who test positive for mid- or high-range alcohol levels at the roadside to undergo a test for drug presence. The focus on mid- and high-range alcohol limits is due to the increased crash risk—as demonstrated in New South Wales crash trauma data—for drivers who have consumed more alcohol.

Not only that, drivers who test positive for lower levels of alcohol (that is, low, special and novice), will also be tested for drug presence if they have a previous combined offence. This is to target repeat offenders.

So you see, by targeting drug testing at drivers with mid- and high-range alcohol level and all repeat offenders, we are concentrating resources on those drivers putting themselves and others at most risk.

Second, severity of punishment. This bill proposes tougher penalties compared to those currently available for separate drink- and prescribed illicit drug-driving offences. For example, maximum fines are increased and minimum and automatic licence disqualification periods are increased.

Acknowledging the seriousness of the offence, penalties for second and subsequent offences are around double that of a first combined drink and prescribed illicit drug offence.

Third, swiftness of punishment. As I just mentioned, there is a whole penalty framework that may apply to a driver who is charged with the new combined offence. Having your licence suspended immediately is one of these. Research has shown immediate licence suspension to be a more effective deterrent of drink driving than suspensions that are applied later.

We know from Victorian research that a high rate of drink-driving offending occurs between detection and the start of a licence sanction—which is why we expanded immediate licence suspensions for drink-driving offences a couple of years ago, and that will continue to apply.

How the process will work

The combined offence follows similar processes to those currently in place for drink driving and drug driving in New South Wales.

A driver who is breath-tested and returns a mid- or high-range alcohol level will then be asked to undertake a drug test. In addition, if a driver returns a low-range alcohol level and has a previous offence, they will also be asked to undertake a drug test. It is important to note that police will not be requiring all drivers who undertake breath-testing to then take a drug test; we will be focusing on those with the highest risk—those with mid- and high-range alcohol, and those with low-range alcohol where they have a previous offence.

The drug test is designed to test for the active components of prescribed illicit drugs that can impair the skills required for safe driving. It tests for THC from cannabis, methamphetamine (speed or ice), MDMA (ecstasy), and cocaine—the four drugs defined in the legislation as prescribed illicit drugs. The drug test is a three-stage process. The first stage is the roadside drug test which acts as a screening test, the second stage is a roadside confirmation test. The third stage involves the roadside drug test results being sent for further confirmatory testing at a laboratory. Over 95 per cent of positive roadside drug tests are confirmed as positive at the laboratory. This is different to the breath-testing process for alcohol, where breath analysis devices can provide a conclusive alcohol breath reading at the roadside or police station. If the roadside drug test result indicates the presence of a prescribed illicit drug, the driver will not be charged with the combined offence until confirmation from laboratory test results.

Regardless of the result of the roadside drug test, the driver will be charged with a drink-driving offence. This is consistent with the existing process whereby a driver with mid- or high-range alcohol levels, or lower-range alcohol levels if they have a previous conviction, can be charged with a drink-driving offence on the day. The person will have their licence suspended until they have the matter heard at court—ensuring that the driver is off the road until the matter is heard. This is consistent with the current process for mid- and high-range and repeat drink-drive offences. As I have just explained, the swiftness of the action is a key part in deterring drivers from getting behind the wheel if they have been drinking and/or taking drugs. This is consistent with the current situation for drink-driving offences where licence suspensions already apply.

If the lab results confirm the presence of prescribed illicit drugs, a new charge for a combined offence will be issued. This new charge must be issued within 60 days. In reality, the drug results are typically confirmed within two to six weeks. The original drink-driving offence will remain on the driver's charge sheet, but if the driver is subsequently convicted of the combined offence then this original offence will be withdrawn.

The licence suspension will continue until the court date even in the unlikely event that one of the charges is withdrawn before court.

The combined offence charge should not come as a surprise to the driver. They will have been informed at the roadside by the NSW Police Force that this was a likely outcome, given the results of their roadside drug test at the time.

While most testing will occur at the roadside as part of the random breath-testing program, drivers can also be tested for alcohol and drugs and charged with the combined offence following a crash. Again, this will operate as consistent with current practice.

Subsequent offences

This bill sets out what is considered a first offence, and what is considered a second or subsequent offence, in relation to the new combined offence.

A first offence is considered to be the first time a driver has committed a combined drink- and drug-driving offence. If they have previously committed a separate drink-driving or drug-driving offence within the preceding five years, but not a previous combined offence, then that driver will receive a first combined offence penalty.

A second or subsequent combined offence will apply to drivers who have received a first combined offence within the previous five years in New South Wales or an equivalent offence from another jurisdiction within the previous five years if it is noted on their New South Wales record. It is important to note that we are not proposing to reach out to other States or require them to inform New South Wales of offences.

The purpose of clarifying a second or subsequent offence is to maintain the principle of applying higher penalties for second or subsequent offences. This is important to deterring repeat offending and is a current feature of road transport law.

If a driver has received a first combined offence and subsequently (within five years) receives a separate drink-driving or drug-driving offence, then that is considered to be a second or subsequent drink-driving or drug-driving offence, but not a second combined offence.

Penalty framework

I am going to talk a bit about the penalty framework for the combined offence.

Building on the existing penalty framework—for separate drink-driving offences and drug offences—the intention is to increase deterrence and send a clear message to drivers—that putting themselves and others at significant increased risk by mixing alcohol and prescribed illicit drugs will not be tolerated on New South Wales roads.

While the penalties are designed to be harsher, they are based on the existing penalty framework for drink- and drug-driving offences. The penalty framework includes fines, licence disqualification, alcohol interlocks, vehicle sanctions, prison term and requirement to attend an education and behaviour change program. All of these penalties and requirements currently exist for other separate drink- or drug-driving offences. However, in recognition of the increased risk of combining alcohol and drugs, the maximum penalties for the combined offence will be higher. In fact, they are more than the combination of a separate drink- and drug-driving offence, reflecting the seriousness and increased risk of combining drugs and alcohol when driving.

For example, the maximum fine for a first-time mid-range drink-driving offence is currently \$2,200. The maximum fine for a first-time mid-range offence for the new combined offence is \$3,300. The maximum fine for a second mid-range combined offence is \$6,600.

Similarly, while the minimum licence disqualification period for a first mid-range drink-driving offence is six months, the minimum licence disqualification period would be 12 months for a mid-range first combined offence, increasing to two years for a second mid-range combined offence, and three years for a second or subsequent high-range combined offence.

Acknowledging the seriousness of the offence, penalties for second and subsequent combined drink- and drug-driving offences are around double that of a first combined offence. This is important to deterring repeat offending and is a current feature of road transport law.

Disadvantaged groups

We have made a conscious effort to develop a penalty framework that deters offending through significant penalties, but at the same time accommodates the difficulties that disadvantaged groups might face. We have worked collectively across government to come up with this framework, including through a justice impact assessment and in consultation with the Attorney General to propose what is a measured response to the road safety risk presented to the broader community.

There will be no change for first-time low, novice and special-range alcohol offenders who since 20 May 2019 can be served with swift and certain penalties including an on-the-spot fine, immediate licence suspension, and can also be separately prosecuted for prescribed illicit drug presence.

In addition, there are existing mechanisms in place to provide assistance to disadvantaged groups and people on low incomes.

- The Drivers Licence Access Program provides resources and support in a number of ways including debt negotiation and management.
- The interlock program provides a concession rate as well as a severe financial hardship scheme which provides short-term assistance to participants up to 100 per cent of the interlock costs.
- Courts have discretion to impose appropriate penalties through prescribed aspects of the available sanctions, based on a person's circumstances, including a reduced fine.

We will monitor the impact of the combined offence on all groups of offenders, including those from disadvantaged groups.

Vehicle sanctions

In 2018, as part of the drink- and drug-driving reforms, we extended the vehicle sanctions regime to include certain drink-driving offences.

Vehicle sanctions—such as numberplate confiscation, vehicle impoundment or forfeiture in New South Wales are usually applied for three months and involve numberplate confiscation.

Vehicle sanctions may be applied up to 60 days after the offence. This is to allow sufficient time for the drug test results to be confirmed by the lab testing.

This bill amends the definition of "Sanctionable offences" to include first-offence high-range combined offences, and all second and subsequent combined offences. Vehicle sanctions will not apply to first-time mid-range combined offences.

Removing access to a vehicle is a proven method for dealing with recidivist road safety offenders and may be applied alongside licence suspensions.

Licence disqualification, alcohol interlock and education program

The penalty framework is not just about harsher penalties to punish those who put themselves and others at risk by mixing alcohol and prescribed illicit drugs. It also aims to sustain this behaviour change by supporting anyone who is caught to make better decisions in future.

Evidence shows that in-vehicle technologies such as alcohol interlocks are effective at preventing drink driving.

Further, research also shows that effective behaviour change programs have the ability to change people's attitudes to drink or drug driving and reduce recidivism rates.

So, separately, interlocks and behaviour intervention are effective. But an approach that uses both together, combined with penalty sanctions, provide for a systematic approach to reducing the risk of offending over a sustained period of time.

Which is why we are taking this combined approach to people caught for the new combined offence.

Interlocks

The bill requires that all offenders convicted of the new combined offence undertake an alcohol interlock for a period of time. This is consistent with existing drink-driving offences whereby interlock orders apply to mid- and high-range alcohol first offences and all second and subsequent offences.

The time periods specified on the alcohol interlock program for the combined offence are the same with the interlock time periods for drink-driving offences. That is, a first-time mid-range offence will have a minimum interlock period of 12 months, a second mid-range offence will have a minimum interlock period of two years and a second high-range offence will have a minimum interlock period of four years. Similarly, the processes and exemptions for interlocks are entirely consistent with current interlock requirements. This bill does not change the time periods or interlock requirements; it simply expands interlock orders to people convicted of this new combined offence.

An interlock is an electronic breath-testing device linked to the ignition system of the car, motorcycle or heavy vehicle the offender drives and only permits the vehicle to start if the driver passes a breath test.

A person who receives an interlock order and does not enter the interlock program is disqualified from holding a licence (other than a learner or interlock licence) for a period of five years from the date of his or her conviction.

Except in limited circumstances, it is mandatory for a court to make an interlock order on conviction for an interlock offence. Offenders are required to complete an "up-front" disqualification period and a minimum period on the program which requires an interlock.

In 2019 Transport for NSW undertook a process evaluation of the Mandatory Alcohol Interlock Program. The results found that having an interlock licence has assisted many program participants to maintain work and meet their social and family commitments compared to disqualification.

Interlock programs are in place in all Australian jurisdictions and, while they may vary in scope, design and requirements, they are designed to help drink drivers separate drinking and driving, and build on evidence that they are effective in preventing people from driving with illegal levels of alcohol. Over 20,000 interlock licences have been issued in New South Wales since February 2015 to offenders who were convicted of high-range, mid-range and repeat drink-driving offences, with over 6,500 licences issued in 2020 alone.

Education program

Some of you will remember that when we introduced the drink- and drug-drive reforms in 2018 through the Road Transport Legislation Amendment (Penalties and other Sanctions) Act, Parliament passed provisions for a new education and behaviour change program. These provisions will commence once the education program is completed and related regulatory amendments are made. A requirement to attend this program will apply to the offenders of the new combined offence. This will align with our strong position to separate drinking and drug taking from driving.

The bill makes some administrative amendments to provisions in that Act to change references to the "Authority" to "Transport for NSW".

Refusal

A person is charged with a relevant "refusal" type offence if he or she refuses, or fails to submit to a breath analysis or provide a blood sample after a failed breath test. Such behaviour demands serious measures in response. People who drink and/or take prescribed illicit drugs and drive cannot be allowed to escape the consequences of their actions by refusing to comply with the directions of police officers or authorised sample takers. The penalty framework for refusal offences is already in place, and includes fines, licence disqualification, alcohol interlock order, and possible prison term.

Close

Honourable members, the introduction of the new combined offence and supporting penalty framework will make significant progress in tackling the problems of drink and drug driving in New South Wales by sending a clear message that we will not tolerate this dangerous behaviour.

This amendment will help us increase deterrence and reduce trauma on our roads. Deterring drink and drug driving is a priority if we are to achieve our target of a 30 per cent reduction in road fatalities by the end of 2021, and our aspirational target of zero trauma on our roads by 2056. If we are serious about road safety, this is a no-brainer; let us help stop the tragic news headlines and save more lives.

I commend this bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (10:23): I lead on behalf of the Opposition in debate on the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021. I welcome the fact that the Government is bringing it forward in this form at this time. Everyone knows the background to the bill. It has been referred to in the other place as the Four Angels Law. The event that happened more than a year ago on 1 February has captured everyone's hearts. Antony, Angelina and Sienna Abdallah and their cousin, Veronique Sakr, were killed while walking to have an ice cream. It was a heartbreaking moment for any parent or any grandparent with kids who worry that something might happen to them. It is every parent's worst nightmare.

The remarkable thing, though, is the spirit of forgiveness those families have brought to this tragedy and how they turned it into something that will have a real impact in New South Wales and in Australia. On behalf of the Opposition, I thank the Abdallah and Sakr families, their community and their friends for the way they have dealt with this tragic event. It has been a total inspiration to us all. I was pleased to briefly meet with the families, thanks to the member for Lakemba, along with a number of Opposition members when they were in Parliament

last week as the bill was introduced in the Legislative Assembly. It was inspirational to see how they have coped and how they have managed to sustain their faith in what is almost an unimaginable situation.

With those remarks, I indicate that the Opposition supports the bill without amendment. I will later indicate some details about why we will do that, given that amendments had been foreshadowed. To date in 2021 up to midnight last night, 40 people have lost their lives on New South Wales roads. We had a better road toll in New South Wales last year. In part, that was due to COVID, but I hope it is part of a broader trend. This new law may be one of the things that makes a difference to how that trend develops. We are now only in mid-February and 40 people have already lost their lives on our roads.

The bill introduces a combined alcohol and drug-driving offence under the Road Transport Act and provides penalties for that combined offence. The offence targets drivers with a prescribed concentration of alcohol that is combined with the presence of a prescribed illicit drug. The Minister in the other place spoke extensively about how the new combined offence would work in practice and went through aspects of the law. I will not repeat those comments, but it was one of the more extensive second reading speeches I have heard to set out how a law would work. The penalty framework includes fines, licence disqualification, alcohol interlock programs, vehicle sanctions, prison terms and the requirement to attend an education and behaviour change program.

One of the important things for the Opposition in supporting the bill is that it works within the existing framework of the Roads Act while introducing a new offence. It is a significant intervention that does not change the broad framework of how the Act works; however, it does recognise the increased risk of combining alcohol and drugs. Accordingly, the bill increases the maximum penalties for a combined offence. The new offence carries fines of up to \$11,000 and up to two years in jail. The bill also expands the mandatory alcohol interlock order to the combined offence and requires offenders to undertake a drink- and drug-driving education and behaviour change program.

The Opposition is satisfied that the bill is tied to risk factors. One of the facts that the Minister put on the table in his second reading speech was that research has showed the effects of combining drugs and alcohol increases the risk on the road by 23 times. That gives some sense of how dangerous this behaviour can be even by just a small number of drivers on our roads. I thank the team from the NSW Centre for Road Safety, some of whom are in Parliament today, for their work in providing that evidentiary basis. The facts that they lay out do not always finally settle where the Parliament lands. Anyone who has been around New South Wales politics would know that the Parliament has often had its own mind when it comes to law and order issues.

Starting from an evidentiary basis, the work that the Centre for Road Safety does is valuable to informing the discussion. That single fact that a combination of alcohol and drug driving increases the probability of causing a problem by 23 times is persuasive, but the Opposition is satisfied that those measures are tied to some of the risky elements such as repeat offenders and the mid- to high-range alcohol offences. For those reasons the Opposition is satisfied and supports the bill in its existing form.

In the course of the debate it has been indicated by other members that amendments will be moved. Some of the amendments will deal with the issues concerning the administration of drug testing, particularly the question of impairment that has been raised in the community debate on that issue and also recently in Parliament. I reiterate the Opposition's view that we support those measures. We understand the issues that have been raised relative to the administration of the drug-testing scheme. The Opposition wants to see it work so that it can be reliable. Without in any way diminishing the importance of those issues, they have been the subject of committee inquiries in other States. It would be unsurprising if they were the subject of committee examination in New South Wales. The Opposition simply says this is not the time and this is not the bill to have that discussion.

The Opposition does not object to any issue being raised in debate but it will not support the foreshadowed amendments to the bill in Committee. One reason is that we will change the law today on those matters. The Government will gazette the change at some point and that will change the framework for the laws that hopefully will have some impact. But what will change community behaviour is some reflection on this terrible, heartbreaking incident and the manner in which the family has responded. That will change community behaviour far more than changing the law. That is good news. It is very important to change the law and we should change the law. I think every member of this House believes that. However, this is one of those rare moments when changing the law and harnessing community reaction to the forgiveness and love shown by those families will have a far greater impact on what happens day to day.

That is why we should act today. That is why the Opposition welcomes the Government and the Minister bringing forward the legislation to Parliament and it is why the Opposition will support the bill without amendment. It is humbling for us to know that while we can take this step, what the families have done will have a far bigger impact. We should do our best to support them and all their community. The moment of reflection

that will occur when the bill passes as people think about the incident is what will drive community change. I conclude my remarks by quoting Leila Abdallah and her view on forgiveness:

We chose to turn our tragedy into a greater goodness. We chose to carry our cross with dignity. We chose forgiveness and love over hatred ... Forgiveness is the greatest gift you can give yourself and to others.

The family's reaction to this tragedy is a beautiful gift to the people of New South Wales. It gives us a chance to keep driving down the road toll and asking young drivers to reflect in a way that they probably would not do otherwise. We know they have other priorities in their lives. Some drivers will learn to drive safely over time but they need a moment to reflect and think about how dangerous it can be. That is one of the gifts that the family has given us. It is one of the gifts we harness in supporting the bill. I commend the bill to the House.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (10:34):

I begin my contribution to debate on the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021 by acknowledging the strong contribution to this debate by the Hon. John Graham. He referred to what the Abdallah and Sakr families are doing to help bring this legislation forward and that that probably will do much more than the legislation, and I think he was right. What he said showed great insight and I commend him for his powerful contribution.

The bill includes a new range of penalties attached to the offence that are designed to better deter this high-risk behaviour and reduce the number of devastating crashes that are impacting on our community. As the Minister in the other place said, we wish we did not have to introduce the bill, but it responds to a need to deter drivers from putting themselves and others at significant risk when driving with a mix of alcohol and prescribed illicit drugs in their system and to send a clear message to the community that this high-risk behaviour will not be tolerated.

The bill is referred to as the Four Angels Law in honour of the four children who were killed when a drunk and drugged driver mowed them down on a footpath in Oatlands on 1 February last year. Antony, Angelina and Sienna Abdallah and their cousin, Veronique Sakr, were killed as they went for a walk to buy ice cream on a warm summer afternoon. We could not imagine a more Australian scene than those children walking to get their ice cream on a hot afternoon. So many of us have done that with our own children.

As we and the nation grieved with the families, the parents, Danny and Leila Abdallah and Bridget and Bob Sakr, said they would forgive the driver. Their strength has been absolutely remarkable and their ability to forgive the driver still amazes me. I am sure it amazes most people in this House, around the country and around the globe. I have had the privilege of getting to know the Abdallah and Sakr families since this tragedy and was honoured to launch i4Give Day with the families, the Prime Minister and the Premier. The families' efforts to change laws and encourage forgiveness has been welcome and supported by everyone, regardless of political colour. I still vividly remember Leila Abdallah telling me, "Bronnie, I can't continue to hate because it won't ever bring my kids back and I need to live for my other children who are still with us." They are very powerful words indeed. Every day they struggle with their loss yet they still have this amazing ability to try to make a difference. Leila and Danny have made it clear that while they forgive the driver, they still expect justice.

The bill will ensure that drivers who commit a driving offence while affected by alcohol and drugs will face the toughest of penalties. Educating the community about road safety is still vital and a number of programs are in place to achieve that, but the bill sends a clear message that speed, drink and drug driving will not be tolerated. We owe it to the four angels and their families, who have been through so much trauma and grief, to do whatever we can to ensure that no-one else has to suffer and live through the nightmare of losing four innocent children in such a horrific way.

I say to everyone who gets into a car and pushes the ignition button or turns the key that it is their choice and their responsibility and they need to know that, if they are not worried about themselves, they should think about other people. We lost four lives that day in an absolute tragedy. The families are exceptional people and they have given New South Wales, Australia and other countries a very powerful gift—the gift of forgiveness. They are exceptional people who have done an exceptional thing under extraordinary circumstances. I commend the bill to the House.

The Hon. MARK LATHAM (10:38): I commence my contribution to debate on the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021 by commending the Minister, not just for the speech he gave but also for the tremendous organisation of the i4Give Day ceremony in the Royal Botanic Garden three Sundays ago. In politics, members attend many civic events but none more meaningful, moving and important than the one that was organised that day when the Minister for Mental Health, Regional Youth and Women spoke magnificently, as did the Prime Minister and the Premier and as did the remaining family members of the Abdallah and Sakr families.

It is true that that terrible evening of 1 February last year moved us all with a sense of horror and disbelief. Quite frankly, it is unthinkable and unforgivable that such things could happen on a suburban street in Sydney. Small children were going out to buy ice cream when two galahs, two idiots, who had been drinking and drugging up all day and who then moved to a service station among reports of reckless driving and running red lights, took their lives. Presumably those idiots went to the servo to cash up for more consumption and for their habit. Thinking of that tragedy unfolding that evening when they were on their way back home is the nightmare of every parent, every grandparent, every relative and every survivor.

It is truly inspiring to see not just the i4Give Day but also activities in the media promoting better public policy—Danny and Leila Abdallah and Bridget Sakr advocating for a better society. How they stay on their feet I do not know. On i4Give Day Danny Abdallah said that he was dying inside. Any loving parent would understand that sentiment after experiencing the horrible circumstances that they did. From a lay person's position I can only assume that religious faith keeps them on their feet. That is a beautiful and powerful thing that can be felt within them. What a good thing it must be to help people grieve, hopefully to overcome, to stay together unified as a family. They are wonderful leaders. I had the privilege of hosting a lunch with these parents and I said to Danny Abdallah, "Mate, there are many people in this building who fancy themselves as leaders, but you are the leader." He is a leader because of the strength and determination he has shown. He is aware that families go through these tragedies, that other things can happen and that things can fall apart. But he has been determined, even though he is not strong, to show leadership and strength of character so that his family can find strength. His role has been phenomenal.

With Christian charity Leila Abdallah was able to say the next day that she forgave the person who effectively murdered her children, which is incredible. Their work in promoting this legislation through Minister Constance, to whom I pay tribute for bringing this important reform to the Parliament, advocates for passenger responsibility—something in which I believe. We have many advertisements that state, "Do not allow your drunk mate to drive home. Grab the keys and stop a potential tragedy." Should there not be a legal responsibility on passengers in such circumstances? On 1 February, that dreadful night, the passenger, who had participated in earlier activities, got out of the car and walked home without charge or sanction. Surely we should be considering laws that state, "As a passenger in such circumstances where drugs and alcohol, recklessness and danger are involved, you must exercise your social responsibility to do something reasonable about it."

Others can frame the technical detail of those laws—an issue promoted by the Abdallah and Sakr families in which I support them 100 per cent. As the Minister for Mental Health, Regional Youth and Women would know, they are also doing wonderful work to establish support centres for families who go through unthinkable trauma. Tragic circumstances such as this hit people out of the blue. The phone call on that night is something that no family should have to ever encounter or deal with. Society, government and our community groups should rally around families and support all those who have to deal with trauma. The Abdallah and Sakr families want to give back by establishing support centres where grieving families can go for mental health assistance, counselling, togetherness, hugs, friendship, love and support, which are all critical to their recovery. I wish them every success in their endeavours.

I make mention of another activity that exhibits leadership in all these areas. How fitting would it be to have a memorial on that site at Oatlands Golf Club to remember the four children who were lost and to mark community attitudes and values, and the support that has flowed since the tragic loss of those four lives which affected everyone in New South Wales and beyond. Such a memorial would not just be about the horrific tragedy that occurred that night; things have happened since that I think as a society we should mark and remember and urge along. There have been some positive aspects because of the leadership of grieving families. I think it is completely unacceptable for the golf club to say that it does not want a reminder of the tragedy. We need more reminders that cars are weapons and if they are not used in a responsible way on our roads, they will kill the innocent, maim people and cause carnage in society that we would not wish on our worst enemies. I believe that we should have reminders.

When I see little floral tributes placed on a telegraph pole on an outer suburban road, I think about what affected families have been through. It influences people to be more responsible in their driving habits. Such reminders are good. I strongly urge the Oatlands Golf Club to show compassion and humanity, and to support the families with an appropriate, well-designed, low-scale memorial that would not affect any of the golfers but that would be a powerful reminder to our community and our State of this tragedy, and of the leadership of the Abdallah and Sakr families. I cannot believe that more than 12 months later we are having to urge the Oatlands Golf Club board to go down that pathway. The member for Parramatta, Geoff Lee, and the member for Lakemba, Jihad Dib, are doing wonderful work supporting the families, endeavouring to make that happen and reasoning with the golf club. I hope that they are successful in their endeavours.

The bill before the House flows from that tragedy. One Nation gives full support to this legislation and is impressed by the research and background information that the Minister has provided. I note that research has shown that alcohol and drugs separately increase crash risk and that together they amplify risk. Research has also shown that the combination of drugs and alcohol increases the risk of a fatal crash by 23 times. In New South Wales between 2014 and 2018 there have been 82 fatal crashes involving a driver with illegal levels of alcohol combined with prescribed illicit drug presence. Eighty-seven per cent of those crashes involved drivers with mid- or high-range alcohol levels, which is very serious. The vast majority of these cases involve people who are wildly on the grog and who are also using drugs. It is common sense, backed by this research, to know that drink driving and drug driving are bad enough, but when we put the two together it amplifies the risk and turns a car into a potential lethal weapon. We should have aggravated and enhanced penalties to deal with that issue.

One Nation is supportive of the bill. I congratulate the Minister on liaising with the two families and on bringing forward sensible legislation to the Parliament. However, I note one issue in the drafting that deals with the seriousness of penalties. My colleague the Hon. Rod Roberts will move an amendment in Committee which refers to the mid-range prescribed concentration of alcohol and the presence of prescribed illicit drug provisions in proposed section 111A (2) where the penalties are increased for the second and subsequent offences but the imprisonment offence for a high-range prescribed concentration of alcohol is not increased for the second or subsequent offences; it remains at two years.

In some respects this is a convenience inside the legal system as the courts are very busy and the two-year restriction keeps these matters in the Local Court—a restriction of the Local Court system. A more serious penalty would be warranted, but for efficiency and funding reasons such as court backlogs they keep matters in the Local Court. We believe that the two-year penalty of imprisonment for the second and subsequent offence for a high-range prescribed concentration of alcohol—the really bad buggers doing the most irresponsible things and then driving—should go from two years to four years.

That will take it to higher courts, but so be it; it is a higher offence and it should be treated with the utmost seriousness and punished by our society. My colleague will move that amendment in Committee and One Nation will listen carefully to other amendments. I note that some of The Greens amendments somewhat surprisingly increase penalties, which is commendable. Perhaps the road to Damascus has been travelled. We will see what else The Greens say about their amendments. Overall, out of tragedy, the lesson for society, community and Government is that improvements can be made. A year later this is the ongoing tribute that we will pay to the Abdallah and Sakr families for that dreadful night. The most important aspect of this legislation is to stop such a dreadful, unthinkable, unforgivable thing from happening again. If it never happens again, we are doing a magnificent thing here today.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I welcome to the President's gallery Amani Dandan, who is undertaking work experience in the office of the President.

Bills

ROAD TRANSPORT LEGISLATION AMENDMENT (DRINK AND DRUG DRIVING OFFENCE) BILL 2021

Second Reading Debate

[Business resumed.]

Mr DAVID SHOEBRIDGE (10:49): On behalf of The Greens, I speak in debate on the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021 and indicate at the outset that The Greens will only be supporting the bill if the amendments moved by either The Greens or the Animal Justice Party are successful. For years I have been advocating on behalf of The Greens for a change to our drink- and drug-driving laws so that they properly reflect the fact that a combination of alcohol and other drugs greatly heightens the risk of dangerous driving and the risk of fatalities on roads.

I have called on the Government to bring forward some comprehensive legislation that recognises that risk and does not limit it to a handful of illegal drugs—legislation that recognises, for example, the combination of alcohol and benzodiazepines. That is one of the most commonly prescribed drugs and, tragically, in combination with alcohol it is regularly found to cause trauma and death on our roads. It is not just on our roads. International studies also show that mixing alcohol and benzodiazepines is a deadly combination on roads.

I have called on the Government repeatedly to bring some legislation to this House that addresses that risk. Unfortunately the bill is a grossly flawed piece of legislation that limits it to only a handful of illegal drugs. Instead of addressing actual risk, actual impaired driving and a level of drugs that causes impairment, including in combination with alcohol, we again go back to a broken model of testing for the mere slightest detectable presence of just a handful of illegal drugs. Again we are seeing a war on drugs being transferred into road safety legislation.

I note at the outset the awful tragedy that the Abdallah and Sakr families have been through—they lost their children—and the deep, undeniable inexpugnable grief that those families have suffered. I note the fundamentally human, extraordinarily decent and courageous response that they gave when speaking about forgiveness and when they asked us as parliamentarians to fix the law so it does not happen again. That is what we should do. We should not be playing politics in this space but rather looking at the fundamentals of how our drug- and drink-driving laws work. We should craft a regime that addresses those fundamentals and makes every family safer in New South Wales. Unfortunately, the bill does not fit that test in its current form.

The bill amends the Road Transport Act 2013 and some related regulations to introduce a combined alcohol and drug-driving offence for drivers who have prescribed levels of alcohol and a handful of prescribed illicit drugs present in their blood at the same time. It will allow police to issue immediate licence suspensions, which is already consistent with the existing alcohol and drug-driving offences. It will allow for a driver who commits a combined offence to be charged with a second or subsequent combined offence if he or she has committed a combined offence in the previous five years, consistent with the basic regime for drug and drink driving in the balance of the Road Transport Act. It will provide for higher penalties for the combined offence, recognising that the combination of drugs and alcohol elevates the risk when driving. It will also put in place requirements for driver education courses prior to re-licensing.

The penalty framework proposed is as follows. For a first combined mid-range offence, which is when the driver has a blood alcohol concentration between .08 and .15 with the presence of drugs, there is a maximum court fine of \$3,300 and a minimum disqualification period of 12 months as well as a Mandatory Alcohol Interlock Program and the potential for 12 months imprisonment—although it has been rarely exercised by the courts. For a second or subsequent combined high-range offence, which is when the driver has a blood alcohol concentration of greater than .15 together with the presence of a handful of prescribed drugs, there is a maximum fine of \$11,000, a minimum three years' disqualification and a maximum imprisonment period of two years together with the alcohol interlock and the driver education programs.

I note that the Government has provided research that it says supports that model. The Government's research is consistent with unambiguous international research and shows that alcohol and drugs taken together amplify the risk of road crashes, increase the likelihood of dangerous driving, and make people more reckless, more likely to speed, and less likely to notice dangers on the road, and lead to increased trauma. The research shows that the combination of drugs and alcohol increases the risk of a fatal crash. The Government says it increases that risk by 23 times; that is from a 2013 study which some people critique. But whether it is 23 times, five times, 10 times or 35 times, it is a multiple. If the combination of alcohol and drugs are operative in your system at a level that impairs your functioning, the risk of road trauma, crashes and, as we have seen too often, road fatalities is greatly increased.

Using data from the Centre for Road Safety, the Government says that in New South Wales between 2014 and 2018 there were 82 fatal crashes involving drivers with illegal levels of alcohol. Those drivers were tested and it was found that if they were a P-plater, they had a blood alcohol concentration greater than .02; if they were a learner, it was greater than zero; and if they were a driver with a full licence, it was greater than .05. Sometimes it was .05, sometimes it was greater than .08, sometimes it was greater than .12, but there were 82 fatal crashes involving a driver with an illegal level of alcohol. We know that that level of alcohol will have an impact on driving because there is solid, empirical evidence that shows that any level of alcohol increases the risk of inexperienced learner drivers having a crash. That is why we have a zero tolerance level for learners. Even a small level of alcohol is likely to increase that risk for an inexperienced P-plater. That is why we have a .02 level. Alcohol still continues to be a risk for experienced adult drivers, but society says that the risk becomes unacceptable once there is a level of impairment reflected by a blood alcohol concentration of .05.

We know that those 82 fatal crashes occurred when someone had a level of alcohol in their system that we know was likely to impair them, as well as—and this is what the Government says—the presence of a prescribed illicit drug. It is that second test that is flawed. All we know is that when those 82 incidents occurred, drugs were present in the blood of those drivers at the lowest possible detectable level. Somebody may have smoked a joint a week before and had a residual element of tetrahydrocannabinol [THC] in their system. Someone may have taken medicinal cannabis and had a trace element of THC in their system. Somebody may have had a totally unacceptable level of cannabis in their system that was impairing their driving. Someone may have had a high

level of methylenedioxymethamphetamine [MDMA] or someone may have had a trace element of cocaine or a trace element of MDMA.

Of those 82 fatal crashes, we do not know the level of drugs that were in those people's systems. We know the level of alcohol because we test for it, but nobody is tested for the level of drugs in their system. Undoubtedly, some of them will have had a level of drugs that impaired their driving, particularly in combination with alcohol, but we simply do not know. We also do not know from the data how many additional fatal crashes there were as a result of a mix of alcohol and benzodiazepines because the Government does not test for that and it refuses to accept that it is an issue for road safety. As I have said before, according to international data, that is the combination that is the most likely to cause fatal crashes. It is remarkable that the Government does not use that data.

If a driver is pulled over and tested for drugs in New South Wales, initially with an oral swab—and it is the same in Victoria—and the oral swab shows the potential presence of drugs, they are taken to a roadside testing facility or a police station for a second test using a machine called the Dräger DrugTest 5000. The Dräger DrugTest 5000 currently tests for cocaine—after I made it an issue and the Government finally decided to test for it—MDMA, amphetamines and cannabis. But it can also test for benzodiazepines. However, the Government refuses to test for these drugs because it does not want to take on the pharmaceutical industry and middle Australia. The equipment can detect these drugs but the police turn off that function on the Dräger DrugTest 5000, deliberately and consciously allowing that road safety risk to continue. All the data says that driving on benzodiazepines is a risk. So why do the police not test for it? Members are yet to hear an explanation other than that it is all too hard. We have heard that excuse for 10 years. It is totally unacceptable.

I will not critique the political motives for bringing this legislation before the House because I think the intent of the bill—to make our roads safer—is good. However, the Road Transport Legislation Amendment (Drink and Drug Driving Offence) Bill 2021 falls so far short of the mark of rational legislation. It does not mandate testing for benzodiazepines in combination with or without alcohol. Why not? Who knows? It also legislates testing for the mere presence of drugs, when the testing should be for a level of drugs that impairs driving. I will speak more about The Greens amendments in Committee to explain how they will operate and the reason they are being proposed. I will also explain why the penalties in those amendments are more significant than the penalties set out in the bill.

Another major flaw in this legislation—which The Greens will not support unless The Greens and/or the Animal Justice Party amendments are adopted—is that it deals with a combination of alcohol at mid-range and above levels and drugs. It does not deal with low-level alcohol offences, and it does not deal in particular with blood alcohol concentration levels of .02 or above. All the international evidence makes it clear that even low levels of alcohol together with a level of other drugs—legal or illegal, prescription or non-prescription—can be just as deadly, if not more in some cases, than mid-range alcohol driving. This legislation does not address that issue. It also does not propose a regime to test for the deadly combination of a relatively low level of alcohol together with a level of drugs that is likely to impair driving. Why are the police not testing for that? It is not because the evidence is not there. It has not been explained why that is not in the bill. The Greens amendments ensure that testing takes place for that seriously dangerous behaviour.

Why is this deadly combination of alcohol and drugs not addressed in the bill? Because the Government does not want to take on pharmaceutical companies. Why not? Because it is not willing to address the need for an impairment level test. Why not? Because, again, it is not being led by the evidence. I have incredible respect for the courageous and principled way in which the families of the four angels have spoken about this legislation. It is extraordinary how, with the grief they have gone through, they have adopted a position of forgiveness and then have found the strength to engage in a public debate about changing the law. I have nothing but sympathy and respect for them. If members really want to respect the families' wishes, let us come up with a set of laws that make our roads safer by addressing the evidence and the risk. Tragically, this legislation as drafted does not address either of those elements.

The Hon. COURTNEY HOUSSOS (11:04): I make a brief contribution to debate on the legislation before the House, which has been termed the Four Angels Law after Antony, Angelina and Sienna Abdallah and their cousin, Veronique Sakr, died in the most tragic circumstances on 1 February last year going to buy an ice cream on a summer afternoon. As outlined by the shadow Minister for Roads, the Hon. John Graham, Labor supports the bill without amendment to increase penalties for drivers who not only drink and drive but also take drugs. I acknowledge the eloquent contributions from the shadow Minister and other members who have paid tribute to the incredible courage and grace that these families have shown in the face of the most tragic of circumstances. I also place on the record the efforts of Jihad Dib, the member for Lakemba, who has worked closely with the families.

This issue concerns members from across the aisle; this is not about politics. It is about providing support to a family in the most awful of circumstances. I pay tribute to their remarkable response. It seems too trite to say that an unimaginable tragedy like this is a parent's worst nightmare. These days parents try constantly to balance when and how far they let their children travel but it is inevitable that they have to let them go. I place on the public record the dignity, love and grace that the families have shown in the face of this tragedy to come up with this amazingly positive i4Give Day. All members can reflect on the devastating, lifelong effects of grief. For Danny and Leila Abdallah and Bridget Sakr and their families to inspire the community with i4Give Day is an enormous gift to all of us and should be an inspiration even for those who work in politics, some of whom sometimes get a little bit cynical. I associate myself with the comments that have been made about their remarkable courage and dignity.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:07): I also associate myself with the observations that have been made about the Four Angels Law, which the legislation is known as, who were tragically killed at Oatlands Golf Club. I also endorse the observations made by the Hon. Mark Latham about Oatlands Golf Club, of which I was a member but I am no longer. For the committee of the club to decide not to erect a memorial to the children pays no credit to the golf course. In fact, I call on club members to look for another course to join. If the club cannot see its way clear to erecting a memorial that acknowledges the contribution made by the family and the children, who lost their lives in tragic circumstances, then there is something wrong with the committee and with remaining a member of the club. The Parliament should send a message to the committee that the decision does not accord with community sentiment. There should be a tribute to the memory of those children, who died in the most horrific of circumstances.

I acknowledge the contributions of the Hon. John Graham, the Hon. Bronnie Taylor, the Hon. Mark Latham, the Hon. Courtney Houssos and Mr David Shoebridge. Members have acknowledged the great example that has been set by the Abdallah family. Everyone ought to associate themselves with that sentiment and with the unbelievable contribution that the family has made to the fabric of our lives in Sydney. Every one of us reflects, "If that were me, would I have had the same reaction?" Members probably know that I have a few kids. Mr President, I know that you have a few kids—all daughters. I have a few sons but you only managed to have daughters. It is a failing on your part, but that is alright. No, it is a great blessing to you, Mr President. If such an incident had demolished three of my children and one of their cousins, would I have had the same fortitude and the same ability to deal with the incident as the Abdallah family did? None of us can say how we would react, but what they have done by way of example is to show that there is something better about us all. I would like us to reflect on what drives them to be able to do it.

The Hon. Mark Latham noted the impact it has had on him personally to be able to sit down and talk to the family. It ought to have an impact on each of us. There are some things about the example they have set that really light up our lives, in a sense. The first is the cohesiveness of the family and of the Maronite community, which surrounded and supported them during that time. In many respects our communities are badly fragmented. In my maiden speech in this place I said that we live in an age of loneliness. This tragedy shows to us all that the panacea for loneliness is family cohesiveness. Through this, we ought to see that there are things that we ought to achieve and reinstate in society in a much greater way than we do. Upholding the dignity of family and the benefits that family brings to support us all during the most trying of events is something that we ought to try to reinforce as a result of this incident.

Secondly, what drives someone to say so willingly, "I forgive"? I think something emerges from their faith such that their first response is to say, "In tragedy, my response is to forgive." I do not know if I could have brought myself to react the same way, but I hope that I could. It is an example to us all to be able to ask: What is our response to tragedy? Is it vengeance? Certainly it is untold grief. But through it all, is there an ability to be able to say that something better comes out of all of this? In all of the family's public appearances, the dignity with which they have held themselves is unbelievable. It makes us all ask what drives them. The two things that drive that family, I have to say, are the strength of the community and family, and their faith. I make this call: When the Minister for Mental Health, Regional Youth and Women is looking for the Woman of the Year, I do not think she needs to look too far.

I turn to the bill and to the observations made by Mr David Shoebridge about what he sees as flaws in the bill. He calls for an impairment test to determine whether someone should, in fact, be subject to the penalties imposed by the bill. I hope I am not misrepresenting the member, but I think that is what he says. I am flattered that the traffic lawyer, the Hon. Trevor Khan, has arrived. A good traffic lawyer would know that the test for driving while under the influence used to be an impairment test. Previously, when we did not have machines that could measure prescribed concentrations of alcohol, we would decide whether someone was impaired by testing whether they could walk in a line and whether their speech was slurred. In the old days plenty of spoofs and parodies of the test were made. All those sorts of things would indicate the level of a person's impairment.

Mr David Shoebridge has identified an objective system in relation to the drug test which would measure the amount of drugs in a person's system. What I say to him is this: In relation to alcohol there are various defined categories of affectedness at prescribed levels. There is now a consistent approach to levels of impairment. The penalties reflect the level of alcohol in a person's blood, and the objective assessment brings with it a particular penalty. What the member does not acknowledge and refuses to acknowledge is that the starting point, in relation to drugs that are in a person's system, is that they are illegal.

Mr David Shoebridge: Benzodiazepines?

The Hon. DAMIEN TUDEHOPE: No, the drugs that are identified for the purpose of drug driving—

Mr David Shoebridge: There's nothing worse than someone without ears.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Mr David Shoebridge will come to order. He is not assisting.

The Hon. DAMIEN TUDEHOPE: The problem that the member will not acknowledge and refuses to deal with is that a number of the 80 cases of drug and alcohol tests that have been identified involved illegal drugs. To the extent that the member refuses to acknowledge that, it does him no credit. The starting point we should adopt in respect of the community response to an alcohol or drug offence is that anyone who takes an illegal substance and then drinks as well *prima facie* comes within the terms of this Act. The flaws that the member identifies—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Interjections are unhelpful. I know that Mr David Shoebridge has a different view on this matter and I congratulate him on the way he articulates it. Nevertheless, he should articulate it from the table at the appropriate time and not by way of interjection. This is the member's last warning.

The Hon. DAMIEN TUDEHOPE: I concur with you, Mr Deputy President, that the member articulates his view in a cohesive and seamless way. But until the community changes its view on the legality of those drugs, the starting point is that they are illegal and should not be in someone's system in any event. If someone is taking illegal drugs and drinking, the circumstances that are identified by the bill come into play. We should support the provisions articulated in the bill as drafted.

I stress one further point: The education component contained in schedule 2.6 to the Act provides that an element of education should attach to any alcohol and drug offences. We have interlock provisions, but there may be some who will do alcohol-related driving courses. Some of the material that is made available at those courses is very confronting and does change behaviour. The focus on education as a component of the bill should also be acknowledged and supported. The Act is an entirely appropriate Act to follow i4Give Day. The Abdallah and Sakr families are models to us all. They have asked the Government to introduce the Act in the hope that an event such as the one that took the lives of those four children will never happen again.

The Hon. SCOTT FARLOW (11:20): On behalf of the Hon. Don Harwin: In reply: I thank all honourable members for their contributions, in particular the Hon. John Graham, and acknowledge him and the work of the Opposition for cooperating with the Government to support this legislation through the House without amendment. I acknowledge the role that he and the member for Lakemba have played and for the consultations with the Abdallah and Sakr families, and I thank them for their cooperation in this place. I acknowledge the Hon. Bronnie Taylor not only for her contribution to the debate but also for her contribution to the consultations with the Abdallah and Sakr families in making i4Give Day a reality. We heard about that earlier in the week in the House. As the Hon. Bronnie Taylor mentioned in her contribution to the debate, those families have done a remarkable thing. In forgiving, they have also sought to have justice. That is what this legislation provides, as the Hon. Bronnie Taylor reflected.

I acknowledge the contribution of the Hon. Mark Latham to the debate and his work with the families. One could see from the contributions of both the Hon. Bronnie Taylor and the Hon. Mark Latham how much their dealings with the families impacted them. The Hon. Mark Latham is not ever seen as a softie in this place, but I saw in his contribution today how much this tragedy has made him reflect and I felt his outpouring of sympathy for the families. In particular I note his comments regarding the Christian charity of those families. I note the comments of the Hon. Damien Tudehope, who paid tribute to the Maronite community, in particular Our Lady of Lebanon at Harris Park and Bishop Tarabay, who support those families. We would all like to think that we could show the same faith, but in the depths of our hearts we know that if we were faced with this tragedy we would find it very hard to forgive in the same way that the Abdallah and Sakr families have done.

I also note the contribution of Mr David Shoebridge. We will speak more in Committee about some of the amendments that The Greens are bringing forward in the legislation. I note the contribution to debate of the

Hon. Courtney Houssos. Apart from recognising the support of the family and the Maronite community, I note the comments of the Minister, the Hon. Damien Tudehope, the Leader of the House, and echo his strong sentiments regarding the Oatlands Golf Club and the need for that institution to change its perspectives and allow the memorial to be established in honour of the four angels that this legislation is for: Antony, Angelina and Sienna Abdallah and Veronique Sakr.

I reiterate that the Government is committed to improving safety on our roads. The progress that we have made in saving lives on New South Wales roads in 2020 has been mentioned in debate by the Hon. John Graham. Of course that is not enough and there is more to be done to prevent horrific crashes such as the one that took the lives of those four children in Oatlands this time last year. The bill has been referred to in the media as the Four Angels Law. There is undisputed data that shows that driving with alcohol or illicit drugs in your system increases the risk of a crash and driving with a mix of those substances amplifies that risk. That kind of behaviour puts the whole community at risk, not just those behind the wheel. As has been reflected in this debate, research has shown that the combined use of illicit drugs and alcohol when driving increases risks of fatal crashes by 23 times.

Mr David Shoebridge acknowledged in debate that whatever dispute there may be about those figures, it is still a multiplier effect, which is why it is targeted in the bill. The reforms in the bill that introduce a new combined offence for driving with illegal levels of alcohol and prescribed illicit drug presence are intended to directly address that risk by targeting drivers who pose the highest risk—that is, drivers with mid- or high-range blood alcohol levels combined with illicit drug presence, and repeat offenders. That is why the low-range drink-driving offences were not captured by the bill. Only 83 per cent fall into the mid- and high-range categories. I assure honourable members, in particular Mr David Shoebridge, who raised concerns about this, that the penalty framework for the combined offence has been developed collectively across government in consultation with the Attorney General to be a measured response to the road safety risk to the broad community.

I am sure that all honourable members will agree that the new offence proposed today is intended to improve the safety of our roads by addressing the dangerous combination of alcohol and prescribed illicit drugs while driving and will contribute to the achievement of our road safety targets. It should gain the support of this House as it has gained the support of Leila and Danny Abdallah and Bridget and Bob Sakr. I commend the bill to the House. I thank the Hon. Andrew Constance, the Minister for Transport and Roads in the other place, for the legislation before the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I thank all members for their contributions and for the courtesy that they have shown towards one another in what is an important debate. 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 three sets of amendments: The Greens amendments on sheet c2021-004D, Animal Justice Party amendments on sheet c2021-005C and one amendment from One Nation on sheet 18. By agreement, the proposal is to debate the amendments of The Greens and the Animal Justice Party in globo because the amendments are very much the same, but slightly different in the penalty application. We will vote on The Greens amendments first. If they succeed, the Animal Justice Party amendments lapse. If The Greens amendments do not succeed, we will vote on the Animal Justice Party amendments. I clarify for members that we need the One Nation amendment moved as well because it crosses over with The Greens amendments. We will do so after the Hon. Mark Pearson moves the Animal Justice Party amendments.

Mr DAVID SHOEBRIDGE (11:29): By leave: I move The Greens amendments Nos 1 to 36 on sheet c2021-004D in globo:

No. 1 **Combined drug and alcohol offence**

Page 3, line 5, Schedule 1[1]. Insert "or 111B(1), (2) or (3)" after "(3)".

No. 2 **Prescribed quantity of drugs**

Pages 3 and 4, Schedule 1[3], proposed section 111A, line 11 on page 3 to line 2 on page 4. Omit all the words on those lines. Insert instead—

111A Presence of both prescribed quantity of relevant drug in person's oral fluid, blood or urine and prescribed concentration of alcohol in person's breath or blood

(1) **Offence—high range prescribed concentration of alcohol and presence of prescribed quantity of relevant drug**

A person must not, while there is present in the person's breath or blood the high range prescribed concentration of alcohol and present in the person's oral fluid, blood or urine the prescribed quantity of a relevant drug—

- (a) drive a motor vehicle, or
- (b) occupy the driving seat of a motor vehicle and attempt to put the motor vehicle in motion, or
- (c) if the person is the holder of an applicable driver licence, other than an applicable provisional licence or applicable learner licence—occupy the seat in a motor vehicle next to a learner driver who is driving the vehicle.

Maximum penalty—

- (a) for a first offence—60 penalty units or imprisonment for 2 years or both, or
- (b) for a second or subsequent offence—100 penalty units or imprisonment for 2 years or both.

- (2) Offence—other prescribed concentration of alcohol and presence of prescribed quantity of relevant drug

A person must not, while there is present in the person's breath or blood a concentration of 0.02 grams or more, but less than 0.15 grams, of alcohol in 210 litres of breath or 100 millilitres of blood and present in the person's oral fluid, blood or urine the prescribed quantity of a relevant drug— (Sub: correct position of (a) hereunder)

- (a) drive a motor vehicle, or
- (b) occupy the driving seat of a motor vehicle and attempt to put the motor vehicle in motion, or
- (c) if the person is the holder of an applicable driver licence, other than an applicable provisional licence or applicable learner licence—occupy the seat in a motor vehicle next to a learner driver who is driving the vehicle.

Maximum penalty—

- (a) for a first offence—50 penalty units or imprisonment for 18 months or both, or
- (b) for a second or subsequent offence—60 penalty units or imprisonment for 2 years or both.

No. 3 **Prescribed quantity of drugs**

Page 4, Schedule 1[3], proposed section 111A(3)(a), lines 6–8. Omit "(2) or (3), while there is present in the person's oral fluid, blood or urine, a prescribed illicit drug".

Insert instead "while there is present in the person's oral fluid, blood or urine the prescribed quantity of a relevant drug".

No. 4 **Prescribed quantity of drugs**

Page 4, Schedule 1[3], proposed section 111A(4), line 13. Insert ", 111B" after "111(1)".

No. 5 **Prescribed quantity of drugs**

Page 4, Schedule 1[3], proposed section 111A. Insert after line 41—

(8) **Regulations**

The regulations may provide for—

- (a) a drug that is a relevant drug for the purposes of this section, and
- (b) the quantity of a relevant drug, present in the person's oral fluid, blood or urine, that constitutes a prescribed quantity, for the purposes of an offence under this section.

(9) In this section—

drug does not include alcohol.

prescribed quantity, of a drug, means the amount prescribed by the regulations under subsection (8).

relevant drug, means a drug, prescribed by the regulations under subsection (8).

No. 6 **Under the influence of alcohol and another drug**

Page 4. Insert before line 42—

111B Presence of prescribed quantity of drug in person's oral fluid, blood or urine and under the influence of drugs

(1) **Offence—high range prescribed concentration of alcohol and under the influence of drugs**

A person must not, while there is present in the person's breath or blood the high range prescribed concentration of alcohol and while the person is under the influence of a drug—

- (a) drive a motor vehicle, or
- (b) occupy the driving seat of a motor vehicle and attempt to put the motor vehicle in motion, or
- (c) if the person is the holder of an applicable driver licence, other than an applicable provisional licence or applicable learner licence—occupy the seat in a motor vehicle next to a learner driver who is driving the vehicle.

Maximum penalty—

- (a) for a first offence—60 penalty units or imprisonment for 2 years or both, or
- (b) for a second or subsequent offence—100 penalty units or imprisonment for 2 years or both.

(2) **Offence—other prescribed concentration of alcohol and under the influence of drugs**

A person must not, while there is present in the person's breath or blood a concentration of 0.02 grams or more, but less than 0.15 grams, of alcohol in 210 litres of breath or 100 millilitres of blood and while the person is under the influence of a drug—

- (a) drive a motor vehicle, or
- (b) occupy the driving seat of a motor vehicle and attempt to put the motor vehicle in motion, or
- (c) if the person is the holder of an applicable driver licence, other than an applicable provisional licence or applicable learner licence—occupy the seat in a motor vehicle next to a learner driver who is driving the vehicle.

Maximum penalty—

- (a) for a first offence—50 penalty units or imprisonment for 18 months or both, or
- (b) for a second or subsequent offence—60 penalty units or imprisonment for 2 years or both.

(3) **Offence—second or subsequent offence of combined alcohol and drug driving offence**

A person commits an offence against this subsection if—

- (a) the person commits an offence under section 110(1) while the person is under the influence of a drug, and
- (b) the person has been convicted of an offence against this subsection or subsection (1) or (2) in the previous 5 years.

Maximum penalty—50 penalty units or imprisonment for 18 months or both.

(4) A person cannot be convicted of an offence against this section and section 110, 111(1), 111A or 112 in relation to the same conduct.

(5) **Alternative verdicts**

If the court, on a prosecution of a person for an offence against a subsection of this section, is not satisfied that the offence is proven but is satisfied that the person has committed an offence against another subsection of this section or against section 110 or 111(1), having the same or a lesser maximum penalty, the court may acquit the person of the offence with which the person is charged and find the person guilty of the other offence, and the person is liable to be punished accordingly.

(6) **Presence of higher concentration of alcohol not defence**

It is not a defence to a prosecution for an offence against a subsection of this section if the defendant proves that, at the time the defendant engaged in the conduct that is alleged to have contravened the subsection, a greater concentration of alcohol was present in the defendant's breath or blood than the prescribed concentration of alcohol referred to in the offence.

(7) **Defence for offence relating to novice range prescribed concentration of alcohol**

It is a defence to a prosecution for an offence against subsection (3), if—

- (a) an element of the offence under subsection (3) is that the person is alleged to have committed an offence under section 110(1), and

(b) the defendant proves to the court's satisfaction that, at the time the defendant engaged in the conduct that is alleged to have contravened section 110(1), the presence in the defendant's breath or blood of the novice range prescribed concentration of alcohol was not caused, in whole or in part, by—

(i) the consumption of an alcoholic beverage, other than for the purposes of religious observance, or

(ii) the consumption or use of another substance, for example, food or medicine, for the purpose of consuming alcohol.

(8) In this section—

drug does not include alcohol.

No. 7 **Under the influence of alcohol and another drug**

Page 4, Schedule 1[4], line 46. Insert "or 111B" after "111A".

No. 8 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[5], line 2. Insert ", 111B" after "111A".

No. 9 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[6], line 5. Insert "111B," after "111A,".

No. 10 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[7], line 8. Insert "or 111B(2)" after "111A(2)".

No. 11 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[8], line 17. Insert "or 111B(1)" after "111A(1)".

No. 12 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[9], line 26. Insert "or 111B(3)" after "111A(3)".

No. 13 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[10], line 35. Insert "or 111B(2)" after "111A(2)".

No. 14 **Under the influence of alcohol and another drug**

Page 5, Schedule 1[11], line 44. Insert "or 111B(1)" after "111A(1)".

No. 15 **Under the influence of alcohol and another drug**

Page 6, Schedule 1[12], line 8. Insert "or 111B(1), (2) or (3)," after "or (3)".

No. 16 **Under the influence of alcohol and another drug**

Page 6, Schedule 1[13], line 16. Insert "or 111B(1), (2) or (3)" after "or (3)".

No. 17 **Under the influence of alcohol and another drug**

Page 7. Insert before line 1—

An offence against section 111B(1) that is a first offence by the offender for any other alcohol-related major offence	6 months	9 months	24 months
An offence against section 111B(1) that is a second or subsequent offence by the offender for any other alcohol-related major offence	9 months	12 months	48 months
An offence against section 111B(2) that is a first offence by the offender for any other alcohol-related major offence	3 months	6 months	12 months
An offence against section 111B(2) that is a second or subsequent offence by the offender for any other alcohol-related major offence	6 months	9 months	24 months
An offence against section	1 month	3 months	12 months

111B(3)

- No. 18 **Under the influence of alcohol and another drug**
Page 7, Schedule 1[17], line 2. Insert "or 111B(2)" after "111A(2)".
- No. 19 **Under the influence of alcohol and another drug**
Page 7, Schedule 1[18], line 9. Insert "or 111B" after "111A".
- No. 20 **Under the influence of alcohol and another drug**
Page 7, Schedule 1[18], line 11. Insert "or 111B" after "111A".
- No. 21 **Under the influence of alcohol and another drug**
Page 7, Schedule 1[19], line 18. Insert "or 111B(2)" after "111A(2)".
- No. 22 **Under the influence of alcohol and another drug**
Page 7, Schedule 1[19], line 22. Insert "or 111B(1) or (3)" after "or (3)".
- No. 23 **Under the influence of alcohol and another drug**
Page 8, Schedule 1[21], proposed clause 32A, line 4. Insert "or 111B" after "111A".
- No. 24 **Under the influence of alcohol and another drug**
Page 8, Schedule 1[21], proposed clause 32A(1), line 5. Insert "or 111B" after "111A".
- No. 25 **Under the influence of alcohol and another drug**
Page 8, Schedule 1[21], proposed clause 32A(4), line 21. Insert "or 111B(5)" after "111A(5)".
- No. 26 **Prescribed quantity of drugs**
Page 8, Schedule 1[21], proposed clause 32B, lines 22–45. Omit all words on those lines. Insert instead—
- 32B Evidence of prescribed quantity of relevant drug in proceedings for offences against section 111A**
- (1) This clause applies to proceedings for an offence against section 111A in relation to evidence of the prescribed quantity of a relevant drug.
- (2) In the proceedings in relation to the prescribed quantity of the drug—
- (a) evidence may be given of the quantity of the drug in the oral fluid of the person charged as determined by an oral fluid analysis under this Schedule of a sample of the person's oral fluid, and
- (b) the quantity of a drug in a person's oral fluid determined by an oral fluid analysis under this Schedule is taken to show the quantity of the drug at the time of the occurrence of the relevant event referred to in section 111A(1), (2) or (3) if the oral fluid sample analysed was provided within 2 hours after the event, unless the defendant proves—
- (i) the absence of the drug when the event occurred, or
- (ii) the quantity of the drug when the event occurred was less than the prescribed quantity of the drug.
- (3) In the proceedings in relation to the prescribed quantity of the drug—
- (a) evidence may be given of the presence of the prescribed quantity of a drug in the blood or urine of the person charged as determined by an analysis of the person's blood or urine under this Schedule, and
- (b) the quantity of a drug determined by an analysis of the person's blood or urine under this Schedule is taken to be present at the time of the occurrence of the relevant event referred to in section 111A(1), (2) or (3) if the blood or urine sample was taken within 4 hours after the event, unless the defendant proves—
- (i) the absence of the drug when the event occurred, or
- (ii) the quantity of the drug when the event occurred was less than the prescribed quantity of the drug.
- (4) In this clause—
- drug* does not include alcohol.
- prescribed quantity*, of a relevant drug, means the amount prescribed by the regulations under section 111A(8).
- relevant drug*, means a drug prescribed by the regulations under section 111A(8).
- No. 27 **Under the influence of alcohol and another drug**

Page 8. Insert after line 45—

[21A] Schedule 3, clause 33

Insert "111B or" after "section" in the heading to the clause.

[21B] Schedule 3, clause 33(1)

Insert "111B (Presence of prescribed quantity of drug in person's oral fluid, blood or urine and under the influence of drugs) or" after "section".

[21B] Schedule 3, clause 33(2)(b)

Insert "111B(1), (2) or (3) or" after "section".

No. 28 **Under the influence of alcohol and another drug**

Page 9, Schedule 1[22], line 3. Insert "or 111B" after "111A".

No. 29 **Under the influence of alcohol and another drug**

Page 9, Schedule 1[23], line 5. Omit "or 111A". Insert instead ", 111A or 111B".

No. 30 **Under the influence of alcohol and another drug**

Page 9, Schedule 1[26], line 14. Insert "or 111B" after "111A".

No. 31 **Under the influence of alcohol and another drug**

Page 10, Schedule 2.1, line 4. Insert ", 111B" after "111A".

No. 32 **Under the influence of alcohol and another drug**

Page 10, Schedule 2.2, line 7. Insert "111B," after "111A,".

No. 33 **Under the influence of alcohol and another drug**

Page 10, Schedule 2.3, line 10. Insert "111B," after "111A,".

No. 34 **Under the influence of alcohol and another drug**

Page 10, Schedule 2.4, line 13. Insert "111B," after "111A,".

No. 35 **Combined drug and alcohol offence**

Page 10, Schedule 2.5, proposed clause 28AA(1), lines 18–24. Omit all words on those lines.

Insert instead—

- (1) An offence under the law of another jurisdiction is a ***corresponding combined alcohol and drug driving offence*** if the offence involves—
 - (a) the presence of alcohol in a person's breath or blood if the presence is a range that would, for the person, be considered to be an offence in New South Wales and the presence of the prescribed quantity of a relevant drug in a person's oral fluid, blood or urine, or
 - (b) the presence of alcohol in a person's breath or blood if the presence is a range that would, for the person, be considered to be an offence in New South Wales while the person is under the influence of another drug.

No. 36 **Under the influence of alcohol and another drug**

Page 11, Schedule 2.6[3], line 2. Insert ", 111B" after "111A".

I will not traverse in detail the difficulty that The Greens have with the Government's bill, which focuses only on the presence of a handful of drugs. But I point out that the existing offence under the road transport legislation that relates to the mere presence of that handful of illegal drugs is already resulting in substantial unfairness in the community. Thousands of people have lost their licences, primarily because they had trace elements of cannabis in their system—it impacts in particular people who have lower socio-economic backgrounds. It is heavily policed in south-west Sydney, in regional communities and in Aboriginal communities. There is a far lower level of policing of that offence on the North Shore, in the Eastern Suburbs of Sydney and in the more privileged parts of the State. It is not well adapted to the risk of somebody's driving because, as I have said before, the smallest detectable amount is being used to remove people's licences. Often they lose their job, their social connections and even their capacity to seek health services. It is an arbitrary, unfair and unfocused way of dealing with drug driving.

Of course, drug driving is a major problem. It does not matter whether the drugs are legal or illegal. If drugs are impairing somebody's driving that person should be off the roads—full stop. Yet this legislation again deals only with five illegal drugs; it does not acknowledge that a multitude of legal drugs—prescription drugs—especially when taken in combination with alcohol, can cause perhaps some of the largest levels of risk on our roads. At the top of that list I put benzodiazepines. The Greens amendments will replace the two offences proposed

in the bill which, for the benefit of members, I will call the combined mid-range offence and the combined high-range offence. None of the Government's proposals deal with the combination of alcohol at a level of .02 up to .08 blood alcohol level and drugs. They are not making that an offence.

The Government seems to be ignoring the evidence that those low concentrations of alcohol taken together with drugs make for a substantial risk of road trauma; it is just not touching that. I do not know why; it has never been explained. Perhaps it is because it is using the impairment test, which seems so grossly unfair and which puts people in jail with a low level of alcohol in combination with a trace element of drugs. If that is the rationale there may be some sense in it, because it acknowledges how unfair using the mere presence test is across the board. That is the Government's framework. The Greens are genuinely concerned about low levels of alcohol through to high levels of alcohol combined with the presence of a level of drugs that will impair somebody's driving. It may well be that the level of benzodiazepines a person needs in their system in combination with alcohol to impair their driving is substantially lower than it would be with benzodiazepines alone. In fact, the evidence is pretty clear on that: The combination is lethal. The same could be said for cannabis, cocaine, MDMA and amphetamines. Lower levels of those combined drugs produce dangerous driving compared to those drugs taken alone.

The Greens amendments will put in place two parallel regimes. Each regime has a combined offence that deals with the combination of alcohol and drugs when the alcohol level is .02 through to .15 blood alcohol level—that is, special, low and mid-range alcohol together with drugs—with a separate and higher penalty regime for high range alcohol, greater than .15 blood alcohol level, and drugs. Both categories are divided that way. That is quite distinct from the Government's regime, which only kicks in at .08 blood alcohol level and above and does not at all regulate that combination of drugs and alcohol from .02 to .08 blood alcohol level. For some reason that is not regulated. As I said before, it is probably because the Government's scheme would act grossly unfairly, given it relies on presence. For the benefit of the Committee I will read out the definition of the offences in proposed new section 111A, which states:

A person must not, while there is present in the person's breath or blood the high range prescribed concentration of alcohol—that is the first element: high range alcohol—
and present in the person's oral fluid, blood or urine the prescribed quantity of a relevant drug—the offence is proven if they—

- (a) drive a motor vehicle, or
- (b) occupy the driving seat of a motor vehicle and attempt to put the motor vehicle in motion, or—

they are sitting there supervising a learner driver, which are the same elements as the Government's bill. What is required for new section 111A (1) is a high range prescribed concentration of alcohol [PCA] together with a level of drugs in the person's oral fluid, blood or urine at or above the prescribed quantity. New section 111A (2) provides the same test but the level of alcohol is from .02 through to .15 blood alcohol level—from special, low and mid-range. Under the proposed new section the prescribed quantity of a relevant drug is an amount that is determined by the regulations. This will allow the Government to go and look at the evidence, whether it is the Wolff report from the United Kingdom that is now six years old, which sets out all the evidence about the level of drugs that impair someone's driving, or the legislation that is in place in Finland or in half a dozen European countries. When we look at the evidence that those countries use we find that they all have a prescribed level for all of the drugs, be they benzodiazepines, amphetamines, cocaine, prescription drugs—it is the whole lot. The regulations will set out the prescribed levels.

Once somebody is found to have the combination of alcohol and any of those drugs, legal or illegal, at or above the prescribed level, the offence is proven. For a first offence the penalties are, appropriately, 50 penalty units and a maximum imprisonment period of 18 months. The same disqualification and education regimes will apply under this regime as with the Government's current bill. For a second or subsequent offence the penalty is 60 penalty units or imprisonment for two years or above. The penalties are slightly higher than those that are proposed in the Government's bill because the culpability is greater.

There is actual culpability in this because somebody will be driving with a level of drugs in their system, together with alcohol, that we know is impairing their driving. In the same way as we have a rational test for alcohol we will have a rational set of levels for drugs. We will be able to say, "Actually, that was dangerous. We know the level of benzodiazepines you had in your system combined with alcohol is a danger." That person would be a danger on the road and their culpability would be greater than the mere presence test, which may result in people being prosecuted when they have a level of drugs in their system that has no impact at all on their driving, including in combination with alcohol. That is the first offence proposed under proposed new section 111A.

Although I will not go through them, there are mechanisms for the regulations and, as I said, the amendments do not mess with the educational and other provisions in the bill. It fits in neatly.

The second offence is in proposed new section 111B. Again, it is divided into two elements. The lesser penalty applies if the blood alcohol concentration is 0.02 per cent through to 0.15 per cent and a higher penalty if it is 0.15 per cent or above. The second element of the offence is proven when the person has that level of alcohol in their system and while the person is under the influence of a drug. That picks up the current wording in the drug driving provisions about being under the influence of a drug. It is an existing offence but being under the influence of a drug is a somewhat subjective test. It does not have the same degree of certainty that the prescription model has, which is proposed new section 111A. But we know it can work because it has worked in the past for alcohol and it can work in relation to drugs as well. It mirrors the existing provisions related to drug driving when the test is whether or not a person is under the influence of drugs. It is not limited to just the five illegal drugs. It covers any drugs. It covers whether or not someone is dosed to the eyeballs on benzodiazepines and has consumed alcohol.

I find it absolutely remarkable that the Government is satisfied with a bill that leaves in place the status quo. A driver can be pulled over by the police, breath-tested at 0.04 per cent and oral swabbed, yet they can be impacted by benzodiazepines at a level that the police may not have detected in the behaviour of the driver but which makes them an obscene hazard on the roads. Even though the police have the equipment in the police van to test for that level of benzodiazepines, they are refusing to do so and they are just waving those drivers through. That has been happening routinely on our roads, yet the bill in its present form does not touch on that. However, The Greens amendments to proposed new sections 111A and 111B will fix that. It will make our roads safer and stop future tragedies. If the amendments are accepted, they will indicate to people that the police will be checking and testing for it.

The penalties are the same as in proposed new section 111A and for the same reason, that is, there is actual culpability about the level of drugs in someone's system. The level of drugs is not the mere presence but the level actually impacting upon driving, including in combination with alcohol. I hope I have explained the rationale for The Greens amendments and the way those measures would work. I am genuinely passionate about making our roads safer. I am genuinely despondent about the series of grossly obvious holes in this legislation and by the Government continuing on the impairment path when we know that it is not fair and not directed at road safety. Indeed, as the Leader of the Government said in his contribution to debate on the bill, "It's all about the war on drugs."

The Government's worry is not road safety. The Government's worry is penalising somebody for having illegal drugs in their system. It is ignoring the fact that this bill should be about culpability and dangerous driving. It is also ignoring the fact that the legislation refuses to regulate those driving with prescription drugs in their system. We know that is happening, and we know that is causing death and injury. Yet the Government is refusing to consider that issue. I do not know why. This legislation should be done properly. The Greens amendments will do that.

The Hon. MARK PEARSON (11:43): By leave: I move Animal Justice Party amendments Nos 1 to 15 on sheet c2021-005C in globo:

No. 1 Licit drugs

Page 3, Schedule 1[1]. Insert after line 5—

licit drug includes benzodiazepines and narcotics listed under Schedule 4 and Schedule 8 of the Poisons List within the meaning of the *Poisons and Therapeutic Goods Act 1966*.

No. 2 Licit drugs

Page 3, Schedule 1[3], proposed section 111A, line 11. Insert "or licit drug" after "illicit drug".

No. 3 Licit drugs

Page 3, Schedule 1[3], proposed section 111A(1), line 14. Insert "**or licit drug**" after "**illicit drug**".

No. 4 Licit drugs

Page 3, Schedule 1[3], proposed section 111A(1), line 17. Insert ", or licit drug, of a type and amount likely to increase the effects of alcohol or cause dangerous effects" after "prescribed illicit drug".

No. 5 Licit drugs

Page 3, Schedule 1[3], proposed section 111A(2), line 31. Insert "**or licit drug**" after "**illicit drug**".

No. 6 Licit drugs

Page 3, Schedule 1[3], proposed section 111A(2), line 34. Insert ", or licit drug, of a type and amount likely to increase the effects of alcohol or cause dangerous effects" after "prescribed illicit drug".

No. 7 Licit drugs

Page 4, Schedule 1[3], proposed section 111A(3)(a), line 8. Insert ", or licit drug, of a type and amount likely to increase the effects of alcohol or cause dangerous effects" after "illicit drug".

No. 8 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B, line 22. Insert "**or licit drug**" after "**illicit drug**".

No. 9 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(1), line 25. Insert "or licit drug" after "illicit drug".

No. 10 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(2), line 26. Insert "or licit drug" after "illicit drug".

No. 11 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(2)(a), line 27. Insert "or licit drug" after "illicit drug".

No. 12 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(2)(b), line 30. Insert "or licit drug" after "illicit drug".

No. 13 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(3), line 36. Insert "or licit drug" after "illicit drug".

No. 14 Licit drugs

Page 8, Schedule 1[21], proposed clause 32B(3)(a), line 37. Insert "or licit drug" after "illicit drug".

No. 15 Licit drugs

Page 10, Schedule 2.5, proposed clause 28AA(1)(b), line 23. Insert ", or licit drug within the meaning of the *Road Transport Act 2013*, of a type and amount likely to increase the effects of Alcohol or cause dangerous effects" after "illicit drug".

If this bill is really meant to be an instrument that will bring safety to the people of New South Wales, then it needs to be an instrument that actually does that, not half does it. At the moment there are two serious issues with the bill that need to be addressed, which my amendments seek to do. The first is that the test should include licit drugs. The licit drugs that are of concern are those listed in schedule 4 and schedule 8 of the relevant poisons Act. As my friend Mr David Shoebridge stated, the drugs are benzodiazepines, valium, mogadon, seropax—major tranquilisers. Under schedule 8, the narcotics are mostly opiate-based drugs, whether they are synthetically made or from opium itself. This group of drugs that is listed under two different schedules in the poisons Act are there for a reason. They are under lock and key in any hospital or any community care centre because they are dangerous drugs.

To not include licit drugs is a serious omission. They are dangerous when taken in a way that is not prescribed. A person who has 20 milligrams of valium floating through their bloodstream and who is driving down the street is a very dangerous driver. If that person also has mixed that with 10 glasses of beer or 10 glasses of wine, they are an extremely dangerous person to be driving on the street. This bill does not capture that person, who is the most dangerous driver on the street, because this bill does not require the police to test via a mouth swab for benzodiazepines or narcotics. It is a serious omission and that omission strikes at the very principle of why this bill has come about—to protect the people of New South Wales from the harm of dangerous driving. The amendments include testing for those drugs and for the level of those drugs being at a concentration that will impair, particularly in combination with alcohol, the driving competence of the driver.

The other aspect is that it is completely irrelevant for there to be a metabolite of cannabis or crystal meth or cocaine. A metabolite will stay in the person's body for up to two to three weeks, as do many other drugs. It will show up on the test but it has no action that is causing an effect on the level of alcohol of a person. It is not potentiating it in any way at all and in itself is not causing any impact or influence of impairment on the person's capacity to drive. But the way this bill is structured at the moment means that if the mouth swab shows even a trace of any of those drugs, that person is immediately hit with the full force of this legislation. That is completely inappropriate and unfair. What it should do is trigger a blood test to test the level of that drug.

If the cannabis level or the cocaine level, or whatever other illicit drug, is high or at a level that is influencing the level of alcohol in the person's bloodstream or their capacity to drive, that should be captured by this bill. If the bill does not capture those factors, it is actually null and void. It actually is not doing what it is meant to do. We cannot tell the people of New South Wales, "We've passed this Act to capture those who when driving are a serious danger to people in the street." It would be misleading to say that this bill does that. If we really want to legislate what is supposed to be the intent of the bill, the Animal Justice Party amendments and The Greens amendments should be accepted.

The Hon. ROD ROBERTS (11:49): I move One Nation amendment No. 1 on sheet 18:

1. Page 3, line 29, Schedule 1[3], proposed Section 111A, (1)(b) – omit "years". Insert "4 years".

My colleague the Hon. Mark Latham congratulated the Government and Minister Constance on bringing the bill before the House, and I join him in those sentiments. This amendment will not detract from the bill but will enhance and strengthen it. For the clarity of members, there are two paragraphs in section 111A (1) (a). This amendment relates to the paragraph on line 29. The amendment proposes to increase the penalty on the second and subsequent offences from two years to four years. The Government has kept the penalty at two years because it is more convenient to have matters dealt with in the Local Court, where magistrates are restricted as to the maximum penalty they can enforce, which is two years.

I am speaking here of high-range and second and subsequent offences. I am talking about repeat offenders for the most serious of these crimes. In relation to the mid-range offences the imprisonment penalties have been increased for second and subsequent offences. The Government has been lazy with the more serious offences and has kept it at two years as a matter of convenience. I do not care, nor should any of us, about keeping matters in the Local Court to ease the burden on the District Court. These are serious offences that need to be dealt with at the appropriate judicial level. It is a simple amendment. It supports, enhances and strengthens the Government's position by increasing the penalty for second and subsequent high-range offences from two years to four years.

The Hon. SCOTT FARLOW (11:51): I will deal first with the One Nation amendment, which proposes to increase imprisonment terms available for the high-range combined offence from two years to four years. Increasing the penalty in this way would lift this offence out of the jurisdiction of the Local Court, as the Hon. Rod Roberts reflected in his contribution. The Government has great sympathy with the intent of the amendment and agrees with the need to send a strong message to offenders who consume drugs and alcohol and get behind the wheel. There are already much more severe penalties available for drivers who cause crashes and injure or kill. The Government believes the penalties within the bill for this new combined offence send a strong message to offenders that the community will not tolerate their risky behaviour. It supports the existing penalties for driving under the influence and other serious offences where crashes occur.

The Government opposes both The Greens and the Animal Justice Party amendments. New South Wales takes a zero-tolerance approach to drug driving. Drivers who have used illegal and impairing drugs have no place on our roads. The policy is consistent with other Australian jurisdictions and is regarded internationally as best practice. There is a two-pronged approach to drug-driving deterrence. First, offences are detected from efficient roadside mobile drug testing of drivers' oral fluid. That testing can be done anywhere, anytime and is designed to deter from driving those drivers who have recently used one or more of the four most common illicit drugs. The testing is done by using a quick and easy oral fluid screening system rather than arresting drivers to conduct more intrusive tests. Driving under the influence is a more serious offence that applies to drivers who, when stopped by the NSW Police Force, are visibly affected by a drug or driving in a manner that suggests impairment.

Secondly, police can require a driver to complete a sobriety assessment. If the driver fails that assessment, he or she can be required to undergo blood and urine testing, which assesses all drugs, both pharmaceutical and illicit. It does test for pharmaceuticals as well. The New South Wales drug driving program is based around the increasing perception and certainty of apprehension. It focuses on deterring the behaviour before it happens. The program requires oral fluid, which can easily, quickly and cost effectively be collected at the roadside. It builds on the successful and proven approach to reduce drink driving across Australia. The research demonstrates that the higher the volume of random breath testing [RBT], the more effective the deterrent effect. Research shows that the most powerful deterrent effects on offending behaviour are produced by the perceived threat of the certainty of apprehension.

Certainty, in the present context of Australia's RBT programs, has been key to the successful strategy of mass roadside testing. Recognising the importance of deterrence, the Road Safety Plan 2021 committed to doubling mobile drug testing to 200,000 tests by 2020. The New South Wales roadside drug testing program is the largest in Australia. When developing the Road Safety Plan 2021, Transport for NSW undertook a survey which found that 90 per cent of the community felt that alcohol and drug testing was important to improving road safety. The mobile drug testing [MDT] program targets the active components, not the inactive metabolites, of commonly used illegal drugs that can impair the skills required for safe driving. The four illicit drugs that can be detected through MDT include: THC, the active component of cannabis; methylamphetamine, speed or ice; MDMA, ecstasy; and, cocaine.

The MDT program was designed to be simple and non-invasive and to be conducted by police at the roadside. To test for impairment based on levels, blood samples would need to be taken from alleged offenders. That would require significant changes to the current regime, which would impact on the deterrence effect. Police officers are not qualified to take a blood sample at the roadside. It would be logistically cumbersome, significantly more expensive and extremely invasive to drivers if we were to require qualified medical practitioners to accompany roadside drug testing or for drivers to be taken to a medical facility. International jurisdictions, such

as those in Norway and the United Kingdom, do not have programs that enable large-scale roadside testing. They do not focus on general deterrence.

There is misinformation in the community that drivers who are impaired by pharmaceutical drugs such as benzodiazepines or painkillers will not have the drug-driving law enforced in New South Wales. This is not true. Drivers who are suspected of being affected by drugs, legal or illegal, can be arrested for blood and urine tests if they fail a police sobriety assessment. Police can require a driver to undertake a sobriety test if they have a reasonable belief that the driver is under the influence of a drug or alcohol based on the manner of driving or his or her condition or behaviour. Blood and urine analysis has long tested for a broad range of illegal and pharmaceutical drugs, including prohibited drugs in the Drug Misuse and Trafficking Act 1985, and pharmaceuticals defined in road transport regulations. That includes benzodiazepines and a range of opiates.

In 2018 amendments were made to the definition of "drug" in the Road Transport Act to include any substance that when taken by an ordinary person is reasonably likely to deprive the person of, or impair, his or her normal mental or physical faculties. That amendment enabled evidence of new and emerging drugs that cause impairment to be obtained from blood and urine analysis. This futureproofed our law. In the context of a changing drug market, drivers who risk driving under the influence of a new type of substance, whether illegal or pharmaceutical, can also be prosecuted for a serious driving under the influence offence. The evidence used to prove a person was under the influence can include police observations at the roadside as well as the results of blood and urine analysis. That analysis can include the type and concentration of the drug and expert opinion can also be provided. For all of those reasons, the Government will not support the Animal Justice Party or The Greens amendments.

The Hon. JOHN GRAHAM (11:57): The Opposition, as I have indicated, supports the bill without amendment, perhaps for reasons different to those articulated by the Government. I will speak briefly to those reasons. I thank the members who have spoken to their amendments, in particular, Mr David Shoebridge who spoke about his significant concerns about the administration of the current scheme and the loopholes. The Opposition does share both those concerns. We simply say that this is the wrong bill and the wrong time to deal with them. As I indicated during the course of the debate, we are open to those matters being examined by a committee, and for that to occur not far down the track. We want those issues dealt with sooner rather than later, particularly if Mr David Shoebridge might be leaving us. Let us strike while the iron is hot and use the parliamentary committee system. I thank the Hon. Rod Roberts for his contribution. As I said, the Opposition is committed to not supporting amendments to the bill but, as usual, the member has brought a very practical focus to the amendments. His amendment does deserve further consideration.

We understand that the family is keen to get the bill into law in this form. We will be supporting that view. As I said, it is really because the law is one of the levers; the other levers are really about the community awareness. The family is keen to be involved in the rollout of this law. We support that; it is important. They are keen to see further spending on pedestrian safety. We support that; it is necessary. Those are the other levers we want to see immediately pulled. Finally I thank Minister Tudehope for his views on the Oatlands Golf course memorial. That is one of the community awareness levers we could pull and I strongly support the comments he has made. The Opposition will be supporting the bill unamended.

Mr DAVID SHOEBRIDGE (12:00): The Greens will be supporting the Animal Justice Party amendments if ours do not succeed for the reasons stated by the Hon. Mark Pearson.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): According to sessional order, it being midday, I will now leave the chair and report progress.

The PRESIDENT: The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a later hour. According to sessional order, business is now interrupted for questions.

Questions Without Notice

CENTRE FOR EFFECTIVE READING

The Hon. ADAM SEARLE (12:00): My question without notice is directed to the Deputy Leader of the Government and the Minister for Education and Early Childhood Learning. Given that 741 schools are eligible to send students to the NSW Centre for Effective Reading for specialised support, why were only 138 students from 84 schools referred to the centre in 2021?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:01): I thank the honourable member for his question. It is a good question about the Centre for Effective Reading and the work it does. The member has asked me about the number of students who attended last year. He provided

some statistics on that and asked why the numbers were the way that they were in 2020. I am having a look to see if I have some information relating to that specific question; it was quite specific. It does not appear that I have that with me, but I am happy to take that on—

The Hon. Mick Veitch: Just wing it.

The Hon. SARAH MITCHELL: No, I will not. I am happy to take the question on notice. Obviously in 2020 there was a period where we had children learning from home and it was a disrupted school year. That may have had something to do with the numbers but I do not know. It is a good and important question and I will take it on notice and get the information back to the member as soon as I can.

LIVE MUSIC

The Hon. SHAYNE MALLARD (12:02): My question is addressed to the arts Minister. Will the Minister update the House on how the Government is supporting live music around the Sydney CBD?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:02): Today I am delighted to announce more news on how we are supporting live music. In fact, an extra \$1 million to support—

The Hon. Walt Secord: Point of order: The arts Minister used the word "announce" which indicates that he is making a ministerial statement. The Opposition should get equal time to respond to his ministerial statement.

The PRESIDENT: There is no point of order.

The Hon. DON HARWIN: As I said, there will be an extra \$1 million to support the live music industry through Play the City 2. That is a second round of grants of up to \$50,000 for individuals, small organisations, venues and institutions, including the for-profit sector, to deliver performance and gigs in our CBD in the coming months. Our live music industry has been hit hard by COVID-19 and the New South Wales Government is stepping up to support it. Play the City 2 builds on the great successes of Play the City 1, which I announced late last year, when \$500,000 was allocated in small grants to 53 musicians, bands, venues and performers to hold events in the CBD over the summer. Recipients received \$10,000 each and they included the Sydney Improvised Music Association to put on a four-night concert series at Mary's Underground in Circular Quay; musician Trevor Brown with the Sydney Improvisers Composers Kollektiv Orchestra presenting a series of concerts at The ArtHouse Hotel; and Pia Anderson presenting *Boogie and the Blues* at the City Tattersalls Club on a weekly basis.

It has been great to see Sydneysiders enthusiastically coming in to the city to support small businesses, venues and our artists, and to enjoy live music once again. In addition, as part of the \$50 million Rescue and Restart package, Create NSW is now delivering over \$1 million in targeted strategic support for the contemporary music sector through initiatives such as \$600,000 to extend the MusicNSW Regional Music Officers program to strengthen careers and income generation and build a contemporary music touring network throughout regional New South Wales, which I am particularly proud of; and \$240,000 to support music micro-festivals delivered across 12 regions in regional New South Wales through the local regional arts development organisations. That comes on top of the New South Wales Government's investments in the Great Southern Nights initiative to bring 1,000 COVID-safe gigs to greater Sydney and regional New South Wales late last year; and also on top of the significant progress that has been made in recent months with the New South Wales Government's 24-hour Economy Strategy and the removal of red tape for the live music sector. [*Time expired.*]

SCHOOL SUCCESS MODEL

The Hon. PENNY SHARPE (12:05): My question is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given that many New South Wales schools ignored the Minister's directive to stop teaching the L3 Program, what will the Government do to ensure that schools implement the phonics check for all year 1 students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06): I thank the honourable member for her question. It is a good question about the important issue of phonics. As I said in the House earlier this week—

The Hon. Mick Veitch: It is spelt with a "ph".

The Hon. SARAH MITCHELL: Rob Stokes often says that the word "phonics" is not spelt phonetically, but he is much more cerebral than I am. I will leave it at that. In all seriousness, it is a very serious issue. As I said earlier in the week, we made it very clear, and I made the decision as Minister for Education, that we are taking a phonics-based approach when it comes to teaching our children to learn how to read and to develop those literacy skills in New South Wales.

As members would know, we did the optional phonics trial last year, phonics check, and we had great support. I think, from memory, more than 500 schools opted to take part, and there were also some Catholic schools that wanted to run the program. We have had really good feedback about the effectiveness of the trial. We also know that teachers got professional development as part of that. The statistics were overwhelming regarding those who felt that it benefited their teaching practice. Well over 95 per cent said it was useful to them and that they learnt things they can use in the classroom. We are very proud to be taking a pro-phonics approach; it is evidence-based. We know that getting a reading or measurement of how students are tracking when it comes to their phonemic awareness is the best indicator of whether or not they are learning to read proficiently. We are really passionate about it and I think it is great that we are talking about it in the upper House.

In response to the member's question about how we will make sure that it is implemented, it is one of the key components of our School Success Model [SSM]; that is something that I spoke about earlier this week. There is a range of things that we are measuring as part of our School Success Model. We are looking at things like NAPLAN results, HSC attainment for high schools, attendance, wellbeing and equity, but we are also going to have a phonics component. This year all schools will be required to do the phonics check. It will roll out, I think, in August; that is the time frame we are working on and it is similar to when we did it last year. That will give us our benchmark to see where schools are tracking and then we can set the targets for each school for the following year. It will be a compulsory part of the new School Success Model.

I visited a lot of schools that did our optional phonics check last year and it was really successful. I think it is going to be a good rollout and I think it is important that we get that data so we can identify where the gaps are. That is the intention behind the School Success Model. If schools need further support to teach students phonics, we will now have the data. If we aim for nothing, we will hit nothing. The SSM is about making sure that we find out where the gaps are and we provide that support to our schools to ensure we are helping our children get the best education. What is more important than helping them learn how to read?

PUPPY FARMS

The Hon. EMMA HURST (12:09): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. In October 2020 the Minister announced the creation of an RSPCA puppy farm task force. Will the Minister advise the House how much money was given to the RSPCA and explain how the task force will be able to shut down puppy farms when there is currently no legislation that outlaws puppy farming in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:09): I thank the honourable member for her question, which is directed to the Minister for Agriculture and Western New South Wales, who resides in the other place but whom I represent in the upper House. I welcome the opportunity to respond to the question. The Government is fiercely committed to safeguarding animal welfare and promoting responsible pet ownership in New South Wales. As a former Chair of the Responsible Pet Ownership Reference Group in the Parliament, I know how seriously the Government takes this issue.

As the member rightly pointed out, the Minister for Agriculture and Western New South Wales announced the establishment of a puppy factory task force that consists of four RSPCA NSW inspectors who inspect breeding facilities across the State to ensure that they meet the State's robust animal welfare requirements. They work closely with the NSW Police Force and intelligence officers to monitor social media platforms to help identify breeders and crack down on those profiting from the mistreatment of animals. Charges have been laid against two people who were associated with a large breeding establishment. However, as these matters are currently before the courts, I cannot go into the detail of the charges. To achieve the goal of ensuring that breeders meet these animal welfare requirements, this Government has provided an additional \$400,000 in funding to RSPCA NSW to establish the new task force.

In New South Wales animals are protected by the Prevention of Cruelty to Animals Act 1979—otherwise referred to as POCTA—as well as regulation and prescribed codes, including the Animal Welfare Code of Practice for animals in pet shops and for breeding dogs and cats. All dog and cat breeders in New South Wales must comply with POCTA. A person in charge of animals must provide them with proper and sufficient food, water, shelter and veterinary treatment when necessary. Any person in the business of breeding cats or dogs for fee or award must comply with the breeding code, which sets out requirements for care and management and includes standards for the responsibilities and competency of staff, quality management systems, housing, management, health, transfer of ownership, and breeding and rearing.

Under the current laws, any dog or breeder found to be doing the wrong thing can be given written directions, have their animals seized, face financial penalties or prosecution and be banned from owning animals. There is no doubt that there are many legitimate dog breeders who care for their animals well above the legal requirements. However, members have seen the reports of those breeders who do the wrong thing; it is very

disturbing and something that this Government will not tolerate. Anyone who suspects someone of animal cruelty offences should report them to our enforcement agencies: the RSPCA NSW, the Animal Welfare League NSW and the NSW Police Force.

The Government is committed to reforming the animal welfare legislation in the State. From February to June 2020 the Government sought community feedback on the NSW Animal Welfare Reform: Issues Paper, to give the community the opportunity to have a say on the key issues within the current legislative framework and, importantly, to set the direction of future animal welfare policy. The Government has taken on board the comprehensive feedback and is using it to develop proposals that will form the basis of the new laws.

OUT OF SCHOOL HOURS CARE

The Hon. CATHERINE CUSACK (12:12): I address my question to the Minister for Education and Early Childhood Learning. Will the Minister update the House on what the New South Wales Liberal-Nationals Government is doing to support working families across New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13): I thank the honourable member for her question. This Government wants to ensure affordable and convenient before and after school care is available to every family that needs it. On Monday I was delighted to join both the Premier and the member for Camden, Peter Sidgreaves, to open the first of many out-of-school-hours care hubs at Camden Public School. The outside school hours care, or OSHC, hub program will deliver modular buildings custom-designed for out-of-school-hours care services. These hubs will cut waiting times and allow more families to access before and after school care services. The new hubs will be installed at schools where demand for before and after school care has been established. Target schools have been identified based on demand modelling and site assessment by School Infrastructure NSW. Some 47 schools across New South Wales will open their hubs by June 2021. It is expected that the program will create up to 2,460 before and after school care places.

The \$21.9 million program represents a new approach to the way we see and use space in a school. The program will provide a base within a public school where providers can store equipment or have a private conversation with a parent, and where they can plan and prepare during the day. The OSHC hub designs include facilities to accommodate either 45- or 60-student place scenarios, as well as an administration and storage facility. These hubs will be distinct from classrooms and halls in that they will often need to share with others in the school community. The hubs are one component of the Government's \$120 million investment to expand access to before and after school care for public primary schoolchildren across New South Wales. It is proud to be delivering on that commitment, and is on track to deliver the current targets of 90 new services statewide and 14,000 new places by early 2021.

Since July 2019 the Government has added 87 more services that have created 13,797 new student places. To date, the Government has reduced the number of children on waitlists by 82 per cent and it is on track to further reduce these lists through the use of targeted approaches. One initiative that I am particularly proud of is our bespoke models for regional schools. The Government has established the group of schools model for before and after school care services at smaller and regional schools by delivering onsite before and after school care services to groups of schools in local areas. This model is already operating at Murwillumbah and in the Southern Highlands, with more due to be announced later this year.

Even in the middle of the pandemic, when the demand for these services was low, the Government has continued to grow and support the sector to ensure that as life becomes more normal and more parents are going back to work these places will still be available. The Government has worked to support the sector at a time when things were tough due to low demand, particularly during COVID, by waiving licence fees for operators who were placed on school sites. I am proud of the work that we are doing to support working families through the before and after school care sector across New South Wales. I look forward to providing further updates to the House on this matter.

ILLAWARRA SHOALHAVEN ECONOMY

The Hon. MARK LATHAM (12:16): My question is directed to the Minister for Finance and Small Business, representing the Treasurer. I draw the Minister's attention to the cost pressures on BlueScope Steel, which has to purchase green credits, finance a \$600 million fit-out of its blast furnace number six and now faces the problem of not being able to access high-quality coking coal in the Illawarra due to the Independent Planning Commission's [IPC] rejection of the South32 mine extension. What action will the Government take to overturn the IPC decision to protect 800 mining jobs, 3,200 manufacturing jobs at BlueScope Steel and 16,000 indirect supply chain jobs in the Illawarra? How can things be made in New South Wales if we do not make steel?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:17): I thank the member for his question. I note his concern in relation to ensuring that New South Wales is the place where you

can get a job, keep a job and be looked after. I acknowledge his concerns with regard to BlueScope Steel and the ability of the Port Kembla steelworks to continue its operations. This State is committed to delivering jobs. What were the unemployment figures that were released today?

The Hon. Walt Secord: It is 14.7 per cent unemployment for youth.

The Hon. DAMIEN TUDEHOPE: Isn't that so wonderful? The unemployment level is down again in New South Wales to 6 per cent.

The Hon. Walt Secord: It is 14.7 per cent for young people and 6.3 per cent for women.

The Hon. DAMIEN TUDEHOPE: Some 82 per cent of jobs have been recovered since the pandemic started.

The Hon. Walt Secord: There are 52,500 fewer jobs.

The Hon. DAMIEN TUDEHOPE: I encourage the shadow Treasurer to get on board and to encourage the programs of the New South Wales Government, which are designed to drive down the unemployment rate.

The Hon. Walt Secord: Point of order: The Treasurer warned the finance Minister not to show hubris because 261,300 people are still unemployed.

The Hon. DAMIEN TUDEHOPE: Is this a point of order?

The PRESIDENT: I blame myself because I gave the Hon. Walt Secord a lot of latitude, when I should have pulled him up much earlier for his continued interjections. I also indicate that the Minister was encouraging interjections, which is why I did not call the member to order. It became a debate between the two of them, but the Hon. Walt Secord well and truly crossed the line with his purported point of order. There is no point of order. I call the Hon. Walt Secord to order for the first time.

The Hon. DAMIEN TUDEHOPE: The position is that this is the State where jobs are being created and people are returning to employment because we have concentrated on delivering jobs and keeping the economy open. Unlike other States—Labor States—which are determined to destroy their economies, we have managed a pandemic in circumstances where we are keeping the economy open. The Deputy Premier has already made observations in relation to the Independent Planning Commission's decision. I do not know if it is the Government's policy, but the Deputy Premier has foreshadowed that he will look at opportunities to review that decision. BlueScope has indicated that it will impact on jobs in the steel industry, and that is within the province of the Deputy Premier. Certainly it concerns the Government. Members can be assured that this Government is focused on making sure it delivers every single job it can for the people of New South Wales.

The Hon. MARK LATHAM (12:21): I ask a supplementary question. The Minister mentioned that the Deputy Premier has made statements supportive of the South32 mine extension and BlueScope Steel. He then went on to say he is not sure if it is the Government's policy. Will the Minister clarify for the benefit of the House and, most importantly, the 20,000 jobs at stake in the Illawarra: What is the Government policy, and will it be supporting steel making?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:21): The concern that the Deputy Premier has articulated indicates that the matter needs to be addressed by the Government. I am sure that, going forward, the Government will have to adopt a position on that decision. I say this to the member: It is fundamental to every decision of this Government that it looks for opportunities to create and maintain jobs in this State. Do we want to maintain a viable steel industry in New South Wales? Of course we do, and we will do whatever is necessary to protect and deliver jobs in New South Wales.

The Hon. WALT SECORD (12:22): I ask a second supplementary question. Will the Minister elucidate his answer in relation to BlueScope Steel? Has the Premier, Deputy Premier, Treasurer or finance Minister met with BlueScope Steel?

The Hon. Damien Tudehope: Point of order: The member's question is not supplementary. Whether any of those persons have met with BlueScope Steel does not arise out of any answers that I have given.

The Hon. Daniel Mookhey: To the point of order: The supplementary question is in order. It passes the three tests: It is clearly relevant to the original question; it arises from the answer given, namely the Minister's repeated assertions that the Government has great concern for jobs in the steel industry and is doing everything within its power to maintain them; and it seeks elucidation, including whether the Government's concern for those jobs extends to whether Government Ministers have met with the company involved.

The PRESIDENT: I am of the view that the supplementary question meets the three tests in relation to the Deputy Premier, who was mentioned in the Minister's answer. I do not believe the answer mentioned any of

the other Ministers. The part of the supplementary question relating to the Deputy Premier is in order, and I believe that the remainder can be extracted to allow the Minister to be capable of answering it.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:24): The shadow Treasurer well knows that I do not represent the Premier or the Deputy Premier in this place. My reference to the Deputy Premier related to public statements that he has made about the decision in answer to questions from the Hon. Mark Latham. I do not run the Premier's or Deputy Premier's diaries. I repeat that it is necessary to look after the jobs of the people of New South Wales. One could never anticipate an economy that is so committed to protecting jobs and delivering jobs for this State. With the infrastructure pipeline that is in place—\$103 billion worth of infrastructure—it is in the interests of the State to make sure that we have viable industries that can support the delivery of that infrastructure.

I say to the shadow Treasurer that he ought to get on board with and support the delivery of infrastructure in this State. He ought to get on board with the delivery of jobs in this State. He ought to get on board with the Government's delivery of programs. Rather than looking for opportunities to talk down the New South Wales economy, the shadow Treasurer ought to be congratulating the Government on doing what it does to deliver jobs for the people of this State.

SCHOFIELDS PUBLIC SCHOOL

The Hon. COURTNEY HOUSSOS (12:26): My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given that the \$32 million Schofields Public School upgrade was completed last year, why does the school still have 30 demountables taking up valuable play space?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26): I thank the honourable member for her question on the number of demountables at Schofields Public School, and I appreciate her information on the number of demountables on site. I will take the question on notice and get more advice in relation to that particular school. I do not have the information in the House with me, but I will endeavour to see what I can get by the end of question time if I can. If not, I will come back to the member in the usual manner.

MENTAL HEALTH SERVICES

The Hon. SAM FARRAWAY (12:27): My question is addressed to Minister for Mental Health, Regional Youth and Women. Will the Minister outline to the House the amazing turnaround in the performance of the New South Wales Mental Health Line following a significant investment by the Liberals and Nationals in government?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:27): I thank the honourable member for his question. During the pandemic we saw a surge in demand for crisis lines such as Lifeline and Kids Helpline, with call rates 30 per cent higher than in previous years. While this is a cause for concern, it is also reflective of people feeling confident to reach out and seek help when they need it. The ability of Lifeline and Kids Helpline to take on the surge in demand was aided in part by a significant investment by the Government prior to and during the pandemic. The New South Wales Government invested \$5.5 million to support Kids Helpline to answer an extra 18,400 calls per year to support New South Wales children, and an additional \$6 million over two years from 2019-20 for Lifeline to meet increased demand due to COVID-19.

What is not spoken about as much is the investment we made into the New South Wales Mental Health Line, which has been operating in New South Wales since 2012. It is a free service that is available 24 hours a day, seven days a week, providing access to specialist New South Wales mental health services. People call the line for advice and referral to appropriate care, and families and carers call seeking assistance and support. The service also provides advice and support for GPs, police, paramedics and other frontline service providers.

Like other support lines the New South Wales Mental Health Line experienced increased demand during the early months of the pandemic. The Government acted swiftly with a \$16.4 million boost to this line to give it the capacity to take an extra 60,000 calls each year. What a success this investment has been. The statewide key performance indicator set by NSW Health for the Mental Health Line is that 70 per cent of calls should be answered in 30 seconds. However, actual performance was lagging for some time. In June last year only 52 per cent of calls were answered in 30 seconds. Within six months of the boost to the telephone line, the performance significantly improved, going from 52 per cent of calls answered within 30 seconds to 85 per cent; well above the 70 per cent target.

The performance of the seven local health districts that have opted to utilise the Medibank-supported telephone line is even higher. In December 2020 the aggregated performance of mental health services against a

70 per cent target was 92.99 per cent. That is a fantastic result. Everyone in the House should commend the people working on the mental health line for that result. It means that more phones are being answered promptly and people are receiving the help they need when they reach out. Although I am proud of all of the people who work on the help line and of the investment that has been made, I am prouder of the fact that more people have been helped, which is exactly what we want. I congratulate them all and give them a huge shout-out on behalf of all members.

COVID-19 AND IMMUNISATION

Reverend the Hon. FRED NILE (12:30): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health and Medical Research. Is the Minister aware that Switzerland has banned the AstraZeneca vaccine for all its citizens? Is this the same AstraZeneca vaccine that will be available to all Australians? Will the Minister explain why it was banned in Switzerland?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:31): I thank Reverend the Hon. Fred Nile for his question. I take that question on behalf of the Minister for Health and Medical Research in the other place, who I represent in this place. I was not aware that it had been banned in Switzerland. I am aware that the Therapeutic Goods Administration—an organisation that I completely trust and that the whole nation should have absolute and complete faith in—has approved the AstraZeneca vaccine for use in Australia.

We have one of the most terrific stories to tell across the whole nation about how we have embraced immunisation in this country. I have said this before: Historically, regardless of which political party has been in power, what this country has done regarding the efficacy and safety of immunisation is commendable. Our immunisation program saves lives. This past year we have endured a pandemic with COVID-19. That virus has surpassed our worst expectations, such as has been experienced in countries like Italy and the United States of America. There have been unprecedented death rates. That virus has shown its ability to mutate and spread quickly by many different means. There has been an incredible international response to home in on developing a safe vaccine that will prevent people from having to present to an intensive care department for intensive therapy post an infection with COVID-19.

The AstraZeneca vaccine is part of the entire package that the Australian Government is using to ensure that as many people as possible can be vaccinated. I assure everyone that the Therapeutic Goods Administration would not approve a vaccine that was not safe or will not bring the results we need. We must all support and work towards that end. We want to go back to a world in which we are not faced with what we have had this past year. This virus not only changed our way of life but it also—as the Hon. Tara Moriarty and all members know—has taken a huge toll on the mental health of people. People cannot gather and get together. I urge everyone to support this vaccination program. I can tell members that if I am given a phial and the Therapeutic Goods Administration said it was safe to drink from, I would. [*Time expired.*]

COVID-19 AND SMALL BUSINESS

The Hon. DANIEL MOOKHEY (12:34): My question is directed to the Minister for Finance and Small Business. Rob owns a minibus company with a fleet of six buses. His business relies on air travel and events, so he has been out of operation since COVID-19 hit. Rob's small business went from an average of 20 bookings a day to just over 30 bookings last year, but Rob must still pay fixed costs like compulsory third party premiums, vehicle registration and workers compensation, despite his fleet sitting idle because he cannot trade. Rob has met with senior members of the Government, but he has not had a response to his suggested policy reforms. On Rob's behalf, why has the Government not considered offering a hardship package, such as vehicle registration relief and rebates on commercial CTP premiums for small businesses like his in the transport industry who face the prospect of bankruptcy before their trade can legally resume?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:35): I thank the Hon. Daniel Mookhey for his question. I am pleased to advise that after representations were made by the honourable member I met with Rob and took on board his concerns. What came out of my meeting with him was the paucity of advice that he got when he met the shadow Minister. The first thing that he acknowledged was that he did not know about a \$1,500 voucher, which was available to small businesses to help ameliorate fixed costs like compulsory third party premiums and registration. He did not know. What I concluded from that was that maybe the shadow Minister for Finance and Small Business did not know either.

That was valuable advice because he said that gave him some of the assistance he was looking for from government regarding CTP premiums and registrations for his vehicles. Then we had a more fulsome discussion about the impact of the virus on tourism businesses. Members may recall that yesterday there was a discussion about the impact on tourism businesses by the Victorian Government's closure of the border and many businesses

in regional southern towns had to effectively be vacated. A wonderful imagery was delivered by the Hon. Matthew Mason-Cox regarding Merimbula. He said that on one day a thriving business community was left with a town where a cannon could have been fired down the main street and it would hit no-one because of the decision made by the Victorian Premier. This impacted on Rob as well and a day later he got in contact with me. He lost nine contracts immediately because the Victorian Premier made the decision to close the border. He sent me the following email:

This is precisely what I was talking to the Minister about yesterday. Certainly not New South Wales' fault but a total lack of confidence within the travelling community of New South Wales.

He continued:

I had 14 bookings in the last two weeks—

[Time expired.]

The Hon. DANIEL MOOKHEY (12:38): I ask a supplementary question. I thank the Minister for meeting with Rob at my suggestion. Can he elucidate that part of his answer where he was talking about assistance for tourism-affected businesses? Is he going to introduce a hardship package that will offer rebate relief for compulsory third party premiums, which are, as the Minister would know, Rob's biggest cost and the biggest barrier to him being able to accept work?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39): I thank the member for giving me the opportunity to finish. The email that I received from Rob about the decision by the Victorian Premier reads, "I had 14 bookings in the past two weeks. We were looking to a slight revival, but we had nine cancellations today." He went on to say, "Perhaps the only thing we can do to save tourism is to elect Liberal leaders in Queensland and Victoria." That is a long way off.

The Hon. Daniel Mookhey: Point of order: Perhaps the Minister could be directly relevant in the 90 seconds that remain. Many businesses are looking for this hardship relief. They would like to see whether the Minister will stop making a political point and actually get on with answering the question.

The PRESIDENT: I was concerned as to whether the supplementary question ticked all three boxes or was simply a rehash of part of the question because the member felt that the Minister had not answered it. As a point of order was not called, I allowed it. As it was simply a rehash of part of the question that was asked, I believe the Minister is being directly relevant by continuing with the answer he was giving to the original question. I think that is fair.

The Hon. DAMIEN TUDEHOPE: I appreciate the observations that have been made. I will elucidate further in respect to a question that I might be asked shortly about the tourism industry. But the focus of the New South Wales Government is to deliver packages which stimulate the economy and give opportunities to tourism operators to revive their businesses. As the tourism operator so clearly articulated in his email, there was slight revival in the industry until it was impacted so heavily by decisions made by Labor governments in Queensland and Victoria—not by the New South Wales Government.

The position of the New South Wales Government, which I will revert to shortly, is to make sure we create the economic environment in which those businesses have the best opportunity of survival. I have indicated that there is a package relating to the hardship for particular businesses in terms of the fixed costs of those businesses, but the best thing we can do as a government is to give opportunities for those businesses to recover and revive.

The Hon. MARK BUTTIGIEG (12:42): I ask a second supplementary question. The Minister said that there is a pre-existing package. Will the Minister elucidate as to whether or not the suggested vehicle registration relief and the rebate on commercial CTP premiums would be something that the Government might consider worthwhile in its considerations of further assistance?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:42): I gave a fairly straight answer in relation to the vouchers which are currently available and which the shadow finance Minister did not seem to be aware of. The Government anticipates that the program is a \$472 million package of assistance. It is already in place. To the extent that—

[Opposition members interjected.]

The PRESIDENT: The Minister will not respond to interjections.

The Hon. DAMIEN TUDEHOPE: The vouchers are available from April onwards. I get that the shadow Minister might not be aware of the vouchers. The rollout of this package is a substantial investment by the New South Wales Government to ensure that contributions are made towards the fixed costs of tourism operators that have been so badly impacted. I will say it again: The best thing we can do for those tourism operators is to

provide opportunities for domestic tourism, which is currently making a revival in New South Wales. Many regional areas are benefiting from people taking a holiday in their own backyard. The tourism operators that were so heavily reliant on the international tourism market are now able to thrive on the domestic tourism market. The obligation of the Government is to promote those opportunities and to provide packages to assist them.

TOURISM INDUSTRY

The Hon. WES FANG (12:45): My question is addressed to the Minister for Finance and Small Business. How will the Government's \$6 million tourism boost turbocharge the economy and create more jobs?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45): What a surprising question, but I am delighted that the member has asked it. The decline in international tourism in 2020 and the speed and desire in which some Labor States have been closing their borders has not created an environment where tourism operators can thrive. The obligation is on the New South Wales Government, in many respects, to pay for the decisions made by others. Some Labor leaders say, "We will make the decision to destroy our businesses and then ask the rest of Australia to pay for it." Give me a break.

In New South Wales we try to support those businesses and industries that are having difficulties. New South Wales is the best State for doing business, and we are open for business. We are supporting local tourism operators to get ahead of the game with a \$6 million boost for the sector announced recently. That funding includes the Refresh and Renew Fund of \$1 million, which will assist regional tourism businesses with \$10,000 grants to refresh or upgrade their facilities; the Experience Enhancement Fund of \$2 million, which will offer between \$50,000 and \$150,000 in matched funding to upgrade existing facilities to create new tourism attractions or experiences in regional New South Wales; the Regional Business Event Development Fund of \$500,000, which will provide grants of up to \$30,000 to foster business events in regional New South Wales; and the Sydney, Love it Like You Mean It campaign of \$2.5 million, which will promote experiences and attractions across greater Sydney.

Together with Sunset Piazza, outdoor dining, 24-hour economy changes and Dine & Discover vouchers, this campaign will help restore the vibrancy to greater Sydney and boost tourism businesses. I congratulate the Deputy Premier and tourism Minister for securing not one but two World Surf League championship events for New South Wales. The member for Pittwater is stoked with the event. It will bring much-needed tourism into local shops, cafes, restaurants and accommodation providers on the northern beaches. While we can't be *Surfin' in the USA* at the moment:

If everybody had an ocean
Across New South Wales
Then everybody'd be surfin'
Like Rip Curl Nar-ra-been.

I encourage everyone across New South Wales to get out and support local tourism businesses.

KANGAROO PLAN OF MANAGEMENT

The Hon. MARK PEARSON (12:48): My question without notice is directed to the Hon. Don Harwin, representing the Hon. Matt Kean, Minister for Energy and Environment. The Kangaroo Industries Association of Australia's website claims:

State governments carry out regular inspections in the field and on plant to ensure every kangaroo harvested for the commercial industry is done so humanely ...

The current Kangaroo Plan of Management states that Office of Environment and Heritage [OEH] compliance officers conduct field investigations and compliance checks. Will the Minister advise the number of field and plant inspections of slaughtered kangaroos that were conducted by OEH staff between 2017 and 2020, and were those kangaroos found to have been slaughtered humanely?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:49): I am going to disappoint the honourable member. I do not believe my adviser has a note on the number of killed kangaroos checked by OEH staff in the particular period that he mentioned.

The Hon. Mick Veitch: Wing it, Don.

The Hon. DON HARWIN: I definitely won't be winging it. I am sure that the Minister for Energy and Environment will be very happy to provide the Hon. Mark Pearson with the information he is interested in. I know the Minister cares deeply about the issue, and it is appropriate that the Government does all it possibly can do to ensure the honourable member has that information made available to him.

UNEMPLOYMENT RATES

The Hon. WALT SECORD (12:50): My question without notice is directed to the Minister for Finance and Small Business, representing the Treasurer and in his capacity as finance Minister. Given the unemployment data that was released today shows there are 52,500 fewer jobs in the State compared with before COVID, what steps is the Government taking to reduce youth unemployment, which has jumped to 14.7 per cent—its highest rate since January 2015—and unemployment amongst women, which has jumped to 6.3 per cent?

The Hon. Natalie Ward: Nowhere near your numbers.

The Hon. Walt Secord: Watch the hubris!

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:51): The shadow Treasurer said to me sotto voce, "Be careful of the hubris."

The Hon. Walt Secord: That's right. Dominic warned you too.

The Hon. DAMIEN TUDEHOPE: Hubris does not stop a government celebrating the fact that jobs are being created in this State. That is not hubris. That is saying that something is going right at the moment with a policy that says, "You manage a pandemic by all means, but at the same time you keep your economy open." What in fact are we doing?

The Hon. Penny Sharpe: You are sacking 700 TAFE staff.

The Hon. DAMIEN TUDEHOPE: I wonder where the shadow Treasurer—

The PRESIDENT: The Clerk will stop the clock. The Minister will resume his seat. I again remind honourable members of the difficulties Hansard will have with continual interjections. I also remind members that excellent points of order were taken today about whether an answer is directly relevant for a supplementary question and then for a second supplementary question. I need to listen carefully to an answer given by a Minister to know whether a supplementary question is appropriate. Continual interjections, especially when there are two or three at the same time and one is from a member at the table—I have ruled on that on a few occasions—make it very difficult. I remind the Hon. Walt Secord that he is on one call to order. I advise the Hon. Penny Sharpe that she is very close to being on one call to order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Before I articulate exactly what the Government is doing to create jobs, I remind the honourable member that the Hon. Natalie Ward has articulated in this place on many occasions the jobs strategy of this Government to create more jobs post the pandemic. But the deceptive nature of the shadow Treasurer's question was that he did not preface it by saying—

The Hon. Walt Secord: Point of order: The Minister is reflecting on me by saying the question is deceptive. For the record, I was quoting directly from Australian Bureau of Statistics data released at 11.30.

The Hon. John Graham: To the point of order—

The PRESIDENT: I do not need to hear anything further. I do believe the Minister was reflecting on the honourable member. I uphold the point of order and ask the Minister to withdraw his remarks.

The Hon. DAMIEN TUDEHOPE: I withdraw the word "deceptive".

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: Is it a different point of order because I have ruled on the previous one?

The Hon. Daniel Mookhey: Indeed it is. In addition to reflecting on the member, the Minister was also debating the question and rephrasing it into the question he would like to answer instead of the question that was in fact posed. He should refrain from debating questions and just answer them.

The PRESIDENT: I do not uphold the point of order. I do not agree with that. I have ruled that the Minister was reflecting on the Hon. Walt Secord. That was sufficient for me to ask the Minister to withdraw.

The Hon. Natalie Ward: Point of order: My point of order is related to the Hon. Walt Secord's reference to a member in the other place by his first name. If he is going to come to this place and insist on courtesy in this Chamber, I ask that he extends the same courtesy to the Treasurer in the other place and address him by his proper title.

The Hon. Walt Secord: Nat, come on. Don't be so sensitive, Nat.

The PRESIDENT: Order! We can continue for the remainder of question time going back and forth with points of order. As to the point of order raised by the Hon. Natalie Ward, I did not hear the Hon. Walt Secord but

I most certainly heard him call her "Nat" on two occasions. The Hon. Walt Secord knows better than that. It has occurred on a number of occasions—and sometimes as a goodwill gesture—that a member's first name or other term is used, but that should stop. All members, whether they are in this House or in the other place, should be referred to by their correct title. The Minister has the call. It is almost the end of question time.

The Hon. DAMIEN TUDEHOPE: For the benefit of the House, the youth unemployment rate in New South Wales is the lowest in the country.

The Hon. Walt Secord: So 14.7 per cent is good enough?

The Hon. DAMIEN TUDEHOPE: The shadow Treasurer failed to say that the national average in relation to youth unemployment was 14.4 per cent and the rate in New South Wales is in fact 13.1 per cent. But that is not good enough. I agree with him; it is not good enough. That is why the New South Wales Government does have a job creation strategy. The Government has created a \$1 billion Working for NSW fund to boost employment opportunities, including 1,000 new staff at Service NSW and \$250 million to employ additional cleaners for public infrastructure. The Government has also created the \$3 billion Jobs and Infrastructure Acceleration Fund, which is to be used for smaller shovel-ready projects.

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

The Hon. DAMIEN TUDEHOPE: A planning acceleration program, with 99 projects that will generate a total of 52,000 jobs, has already been approved. The Government is investing in a vital \$103 billion infrastructure pipeline. So when talking about job creation strategies, the honourable member should at least have the decency to acknowledge there is a plan that only the Berejiklian-Barilaro Government can deliver.

The Hon. WALT SECORD (12:57): I ask a supplementary question. Will the Minister elucidate his answer? In his answer, he referred repeatedly to a job creation strategy. Does that job creation strategy involve the Government making representations about JobKeeper and its impact on the New South Wales unemployment rate when it is removed on 31 March?

The Hon. Don Harwin: Point of order: The question is straying well beyond what is a supplementary question.

The Hon. WALT SECORD: Mr President—

The PRESIDENT: I am happy to hear from the honourable member, but I agree with the Hon. Don Harwin.

The Hon. WALT SECORD: The Minister referred repeatedly to a job creation strategy. So I am asking whether representations about JobKeeper are involved in that job creation strategy. I think it is completely within order. If the Minister has made no representations, I understand his embarrassment.

The PRESIDENT: The Hon. Walt Secord is now making a debating point. I indicate the following: Had the Hon. Walt Secord said in his supplementary question, "The Minister referred to a job creation strategy. Would he please elucidate that? Would he please explain it further? What does it include?" then it would have ticked all three boxes, as the Hon. Daniel Mookhey would have jumped up and argued brilliantly, and I would have agreed. But the Hon. Walt Secord asks for an elucidation, he takes one statement or one term used by a Minister and then creates a brand-new question that has nothing to do with the original question or the answer given by that Minister. It is too long a link for me to accept. The supplementary question is out of order.

CLOSING THE GAP AGREEMENT

The Hon. SHAYNE MALLARD (12:59): My question is addressed to the Aboriginal affairs Minister. Will the Minister inform the House on progress of the partnership with Aboriginal peaks to implement the National Agreement on Closing the Gap?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:59): I am pleased to inform the House that work is well underway on the New South Wales Jurisdictional Implementation Plan for Closing the Gap. Since the historic national agreement was signed in July 2020 we have been working in close partnership with the Coalition of Aboriginal Peak Organisations NSW [CAPO NSW] and others to progress its implementation in New South Wales. Pat Turner, convenor of the national Coalition of Peaks, recently wrote in *The Sydney Morning Herald*:

While the NSW coalition and its members have been around for a long time, this is the first time they have partnered with government in a formal way to share decisions.

This partnership approach reflects the evidence that Aboriginal people are well placed to identify the needs and solutions for their own communities, which is the principle of self-determination. Through the national agreement

Aboriginal communities and community-controlled organisations determine their own priorities and through shared decision-making will determine how to achieve our shared targets. This partnership approach extends to local and regional Aboriginal representative bodies, with the NSW Coalition of Aboriginal Regional Alliances also sitting on the New South Wales partnership working group to deliver Closing the Gap.

Community consultations on implementing the national agreement in New South Wales will soon commence to ensure that the voices of Aboriginal people around the State are heard. In late 2019 the Coalition of Aboriginal Peak Organisations NSW conducted extensive community consultations on the priorities for Closing the Gap. The report of those consultations, *A new way of working*, concluded that job creation, especially in regional New South Wales, was critical to Aboriginal people enjoying the same benefits as other citizens. The New South Wales Government strongly agrees with this consultation finding, so I have asked New South Wales government agencies and CAPO partners to keep this in mind when developing the Jurisdictional Implementation Plan. I am pleased to inform the House that the New South Wales Government will provide \$3.9 million over 18 months to CAPO NSW to support its member organisations to work in partnership with the New South Wales Government to jointly develop and deliver the New South Wales implementation plan for Closing the Gap.

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

NSW CENTRE FOR EFFECTIVE READING SCHOFIELDS PUBLIC SCHOOL

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:02): I have two answers to give the House. Earlier in question time the Leader of the Opposition asked me about the NSW Centre for Effective Reading. As the member would be aware, the centre supports primary school-aged students who display ongoing difficulties learning to read despite receiving targeted reading instruction at their school. It provides multi-disciplinary assessment and intensive individualised support for students with ongoing reading difficulties in eligible rural and remote primary schools. Eligible schools include both government and non-government schools located 100 kilometres or more from metropolitan Sydney. While 741 public schools are eligible for direct and intensive support when required, all New South Wales primary schools can access information and resources through the centre's website.

When we talk about the 138 students who have received intensive support—which I believe is the number the member referred to in his question—it is because they have been referred for specialist services, which includes speech pathologists, special education specialists, neuropsychologists and paediatricians. We are talking about specialist intervention at the point of need, which is there to assist individual students who need intensive support. This is just one of many resources that are available to support schools. We must trust the judgement of educators as to when and where this type of escalation is needed. The NSW Centre for Effective Reading will continue working with NSW Health to provide that option to the rural schools who need it, no matter how many students need to utilise it.

In relation to the question from the Hon. Courtney Houssos regarding Schofields Public School, in a response to a question on notice from the member that was lodged on 1 October last year I advised the member that the recently completed upgrade at Schofields Public School is one of several school projects that will help meet current and future enrolment growth in the Schofields area, including the recently completed upgrade to Riverbank Public School, planning for an upgrade to John Palmer Public School and the new Tallawong Primary School. In addition, Galungara Public School is underway and due for completion in early 2021. This school will accommodate 500 students and is being designed to allow future expansion of up to 1,000 students. Once completed, there may be catchment adjustments for neighbouring schools including Schofields Public School. Until these projects are delivered, the department expects that 27 demountables will remain at Schofields Public School.

That was the advice given to the member in October last year. I can now advise the member that Galungara Public School has subsequently opened. Recently I visited that school and its great principal, Tracy Anderson. The number of demountables currently at Schofields Public School is 20, not 30 as the member suggested. This is evidence of the Government's investment in new and upgraded schools in this growing area of Sydney.

ROCK FISHING SAFETY

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:05): Yesterday I was asked a question by the Hon. Robert Borsak in relation to rock fishing safety in my capacity representing the police Minister. I am advised that the trial of the Rock Fishing Safety Act 2016 was carried out in Randwick local government area for a year after the Act commenced in December 2016. An independent evaluation of that trial considered a range of data, including life jacket wear rates and community feedback. The evaluation recommended that the Act be rolled out further to other areas in close consultation with local councils.

Local councils share enforcement responsibilities for the Act and have detailed knowledge of local circumstances and coastlines. Consistent with other water safety measures like signage and lifeguard services, the decision to adopt the law is ultimately one for councils to make in consultation with their local communities. Local community support is also a key factor in ensuring that the laws are effective and can save lives. Therefore, the Government chose to adopt the council-by-council opt-in approach to a further rollout of the laws. Councils in Ballina, Central Coast, Lake Macquarie, Sutherland, Port Stephens, Northern Beaches, Richmond Valley and Randwick have opted in to date.

Supplementary Questions for Written Answers

SCHOFIELDS PUBLIC SCHOOL

The Hon. COURTNEY HOUSSOS (13:06): My supplementary question for written answer is directed to the education Minister and Deputy Leader of the Government. Will the Minister provide a list of schools that have been upgraded in the last four years and the number of demountables at each as at today's date?

ILLAWARRA SHOALHAVEN ECONOMY

The Hon. MARK LATHAM (13:06): My supplementary question for written answer is directed to the Minister for Finance and Small Business. When will the Government announce its policy for approving the extension of the South32 mine in the Illawarra and saving steelmaking in New South Wales as the Minister indicated in his answer today?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

That the House take note of answers to questions.

UNEMPLOYMENT RATES

The Hon. WALT SECORD (13:07): As shadow Treasurer I respond to answers given by the Minister for Finance and Small Business, representing the Treasurer, in relation to the Australian Bureau of Statistics unemployment data released today. I remind him that the Treasurer warned him of this after the CBD jobs summit that we all attended, and which I attended in a bipartisan spirit. This was immediately after the finance Minister gave a speech in this House. The Treasurer warned about making ill-conceived comments about the economy and crowing too early about economic data. We all want to see unemployment go down, but the Treasurer warned the finance Minister about hubris.

Today we have a 6 per cent unemployment rate in New South Wales but there are 52,500 fewer jobs than before COVID. That is 52,500 pay packets not in homes. That is 52,500 people with families who are worried about keeping a roof over their head and paying for food. There are also people who are on JobKeeper who are worried that they will be added to that figure. We know that things can slip very quickly if there is an outbreak but we need to be truthful. Some 261,300 people are officially unemployed in New South Wales. That does not take into account many women, particularly in western and south-west Sydney, who are no longer looking for work—who have done the maths and discovered that it is too expensive to look for work or that the tolls are too expensive and have made the decision to stay at home.

The female unemployment rate has jumped to 6.3 per cent from 5.9 per cent. We know that disproportionately women and young people have been affected, particularly in far-western New South Wales. Most of the jobs lost in far-western New South Wales were jobs held by women. The weakest recovery has been in female unemployment. The youth unemployment rate is 14.7 per cent, which is up from 13.4 per cent. That is the highest since 2015. Again, we all know that that figure is dramatically under-reported because the Australian Bureau of Statistics [ABS] includes someone who works one hour per week as employed.

There is a little bit of bright light but let us keep these figures in perspective. We must remember that people who are not working as many hours as they want and people who no longer are looking for work are being under-reported. We need to be truthful. New South Wales used to be the engine room of the Australian economy but now we are equal sixth. We are ahead only of the Northern Territory in ranking of all the States and Territories. I advise this Government that we need more than simple hope. We need practical programs. The so-called support programs should be rebadged. The Government should make representations and ask questions like: What will happen after 31 March? [*Time expired.*]

ILLAWARRA SHOALHAVEN ECONOMY

The Hon. MARK LATHAM (13:10): I take note of answers concerning employment creation. In question time this week what we have seen from the Labor Party and the Liberal Party is really fulfilment of a prediction of the Hon. Mick Veitch—that New South Wales is becoming a lifestyle economy. We have heard about surfing, restaurant jobs, artistic jobs, gig economy jobs, transport jobs and tourism jobs but we heard no mention of mining and manufacturing jobs—other than from One Nation.

The Hon. Taylor Martin: And The Nationals.

The Hon. MARK LATHAM: Possibly The Nationals' John Barilaro, but not in this Chamber. In the Illawarra, we have a crisis. We need John Barilaro everywhere because at least he has the right policy. Two weeks ago in response to this dreadful Independent Planning Commission [IPC] decision, he said that not only would he overturn the decision and secure the coking coal resource for steelmaking in the Illawarra but also would abolish the IPC. But then on cue the green Liberals rolled in—the Premier, the Minister for Planning and Public Spaces and the Minister for Energy and Environment—and said, "We're standing by the IPC."

Today the finance Minister said he would do whatever it takes to secure steelmaking in New South Wales. This is what it takes: Declare steelmaking to be an essential industry. For all the talk we heard during debate on the electricity bill about making things in New South Wales—the Labor rhetoric about making trains and buses—we cannot make anything without steel. Steelmaking should be declared to be an essential industry in New South Wales. BlueScope is the backbone of the steelmaking industry with 60 per cent of Australian steel production. The fact is that the Labor Party has not said anything about securing the resource out of South32 mine. Labor has a leader who would rather write a letter to support paedophiles than to support workers in the Illawarra. That is a complete and utter disgrace.

The Hon. Adam Searle: Point of order: That was a disgrace, Mr President. That was an attack on a member of the other House other than by substantive motion.

The PRESIDENT: I uphold the point of order. The Hon. Mark Latham knows better. If a member wishes to make imputations or reflections on another member, that must be done by way of a substantive motion. I have ruled on a number of occasions that the take-note debate is not an opportunity for members to reflect on other members or make imputations against other members. It is a take-note debate on the questions asked, the subject matter of the questions asked and the answers given. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: If the Labor Party is going to be writing things, how about a policy to secure the resource in the Illawarra that guarantees steelmaking into the future? Where is the procurement committee we heard about at the end of last year? It has not been appointed. It has not met. It has not done anything. We are talking about a total of 20,000 jobs in the Illawarra. The workers would normally look to the Australian Labor Party for the support of industry, manufacturing and mining but we have not heard a word. On the Government side of the House we have the conflict between a Deputy Premier who wants to do the right thing being rolled by the green Liberals and in Labor we have Trappist monks who say not a single word about the importance of this vital industry in the Illawarra. That is the disgrace.

COVID-19 AND SMALL BUSINESS

TOURISM INDUSTRY

The Hon. WES FANG (13:13): I wish to take note of the answers given by the Minister for Finance and Small Business, who gave a number of fantastic answers today. The shadow Treasurer and shadow Minister for Finance and Small Business could probably take a lesson from that on how—

The Hon. Walt Secord: To not answer a question?

The Hon. WES FANG: —to take a question that Labor members thought they were being very clever in asking. The Minister was very well prepared and provided a lot of information. I also took note of the Minister's absolute robust support of the tourism industry and his description of the \$6 million tourism boost that has been announced. The Minister said that New South Wales is open for business and we are. We do not have border closures in New South Wales—no walls.

The Hon. Adam Searle: Yes you did.

The Hon. WES FANG: What are we hearing from members opposite? We heard attacks on the Minister for Finance and Small Business but nothing about the closures by their comrades in Victoria. It is an absolute shame that Labor members come into this House and not acknowledge the cause of the hurt of businesses in Victoria.

The Hon. Mick Veitch: You have not acknowledged South Australia. Wes, you have to be fair. What about South Australia? If you are going to do that game, you have to be fair as well.

The PRESIDENT: The Hon. Wes Fang should continue speaking. His time is running out. I cannot stop the clock.

The Hon. WES FANG: Thank you, Mr President. I was going to allow other members to make their contribution, but then they have three minutes in which to speak. The Minister gave a fantastic answer about what is happening with the grants that have been pushed out. A grant of \$10,000 is available for the refreshment of tourism facilities to make them more appealing to visitors and there is a matched grant of between \$50,000 and \$100,000 for existing tourist facilities or to kick off a new tourist attraction. There is also a \$30,000 grant to assist bringing a business event to one of the many great locations throughout regional New South Wales.

I also acknowledge the work that is being done by the ever-enthusiastic Deputy Premier in encouraging significant sporting events to take advantage of the openness of the New South Wales border and economy, including the most recent announcement of the World Surf League Rip Curl Newcastle Cup from 1 to 11 April as well as the Rip Curl Narrabeen Classic from 16 to 26 April. I note the comments by the World Surf League that it will concentrate Australian championship tour events in New South Wales and Western Australia following availability of the pre-approval quarantine bubble.

COVID-19 AND SMALL BUSINESS

UNEMPLOYMENT RATES

The Hon. DANIEL MOOKHEY (13:16): I take note of the answers given by the Minister for Finance and Small Business. I state for the record that I am pleased the Minister met with a constituent I referred to him. I appreciate that the Minister did that because that person is a small business person who is fighting very hard to save his business. That person came to me after he could not get a meeting with the Treasurer and could not get a meeting with the Treasurer's representative. He could not get anyone from the Government to respond. I was pleased to be able to assist him, to tell his story publicly and to refer him to the Minister. Sadly, therefore, I am disappointed that the meeting the Minister had with this person did not lead to any substantial change for transport businesses that, like that person's, are fighting hard to survive. What this person told me is that he cannot even keep his vehicles available in case the phone rings because the cost of his compulsory third party [CTP] insurance for a six-car fleet is circa \$30,000 to \$40,000.

The Hon. Natalie Ward: Ask for vouchers.

The Hon. DANIEL MOOKHEY: I told him about the Government grants and he told me incidentally that he was not eligible for the first round or the second round. But thanks to Labor's advocacy in this place and elsewhere, when the Government finally changed the criteria he was able to access a grant, which is welcome. Members on both sides of this House want small businesses to survive, but the fact is that an ever-increasing number of transport businesses, especially those exposed to the tourism industry, will hit the wall until they get meaningful CTP relief straightaway. This is a market that the Liberal Party privatised in 1995, which creates complexity. If this was in a different form of insurance market, the New South Wales Government could be offering direct waivers as it has in some respects in workers compensation—before the Government tried to hike up those fees too.

Because this is a private-sector-led market we require a form of rebate scheme to pick it up. That is because under the Health guidelines these businesses cannot trade. They cannot turn on again. There is no return to normal for them until international travel comes back. What is worse is that every one of them is facing the prospect of having their vehicles taken off them by debt companies in the next three to six months because they cannot survive. That is why we have to lower their fixed costs so they have a chance to trade when the restrictions lift. That is why Labor members will continue to fight for those small businesses.

In my last 30 seconds I will reflect on the unemployment data. It is disappointing that somehow the finance Minister thinks that we should be celebrating a return to pre-pandemic levels of employment in this State. The truth is that prior to this pandemic too many people were out of work. The aspiration should not be a return to the past; we should be building back better. We should be in a position to rebuild this economy so that it works for working people and working families. The Minister's paucity of ambition is disappointing. [*Time expired.*]

PUPPY FARMS

The Hon. EMMA HURST (13:19): I take note of the Minister's answer in relation to the puppy farm task force. The Hon. Bronnie Taylor spoke proudly of the New South Wales Government puppy farm task force but how can we have a task force to crack down on a practice that is entirely legal in New South Wales? That is the reality. Puppy farming is legal in New South Wales. Nothing in our legislation says that you cannot breed over

400 dogs, with female dogs pumping out litter after litter until their bodies collapse. If that is not a puppy farm then I do not know what is. Right now we are looking at a development application in Moama for a breeding facility for up to 320 dogs. That community no longer wants puppy farms. The council has received over 14,000 objections to that development application but it is hamstrung by legislation because it is legal to run a puppy farm.

The Minister has given authorities money to shut down puppy farms when there is no legislation that allows them to do so. That has put the RSPCA in a difficult position. What can the RSPCA do with this money? It can fine the puppy farms. It can inspect the puppy farms, but it cannot prosecute most of them. It cannot seize the dogs and it cannot shut the puppy farms down. What happens is that the RSPCA is slammed by the public for leaving the animals there and for not taking the puppy farms to court. With such limited legislative powers authorities like the RSPCA cannot act outside those powers. The Government has essentially set them up to fail. The Government and the Minister are throwing money at the problem in the hope that it will go away, but that is highlighting how pathetic the animal protection laws are in New South Wales. We must first outlaw the practice of puppy farming and then fund the authorities to shut them down, rather than giving money to shut puppy farms down when there are no laws to do so.

We are now receiving complaints because the RSPCA, which is unable to shutdown puppy farms, has used the money for a breeder compliance task force. The breeders are not happy because they have never been inspected—most did not realise that codes existed. The issue is not that the RSPCA is inspecting the breeders; it is that the RSPCA was never properly funded to do any inspections. The RSPCA has never checked whether these breeders are following the current codes of practice. Indeed, it is because animal protection is so underfunded in this State that people are shocked when any policing or compliance checks take place. I will be tabling legislation to outlaw puppy farming. If the Government is serious about cracking down on puppy farms it will soon have an opportunity to do so.

OUT OF SCHOOL HOURS CARE

The Hon. CATHERINE CUSACK (13:23): I take note of the answer by the Hon. Sarah Mitchell on before and after school care in New South Wales. I will share a personal story with the House. When I was living in Alstonville and my sons were very young there was only one before and after school care facility. It was not located at the school my sons attended; it was at a neighbouring school. It was a shipping container at the bottom of the playground with a tarpaulin. On the day I visited I was quite stunned. A very disabled student with mobility issues was lying on a beanbag under the tarpaulin. It was clear that these services are in need of capital funding and greater support. It is all about supporting working families and the quality of care being offered to students.

This Government has done so much for preschools and also for before and after school care. Since July 2019 the sector has grown by 87 new services, with the creation of at least 13,797 new places, and an 82 per cent reduction in the waiting list for access to those services. The Minister spoke about the hub program, which is a great innovation. Its target is to create 90 new services and 14,000 new places by early 2021. That program, combined with smaller grants to existing services to assist them to upgrade and expand, will give us traction to change the face of this important service that families and working mothers rely on. Forty-seven standardised modular hubs are to be installed and it is expected that 2,460 before and after school care places will be created. The list of targeted schools has been developed by School Infrastructure NSW. The first hub building was commissioned and ready for use in early December 2020 at Newington; the remaining hubs will be progressively rolled out until May 2021. It is a wonderful program. I thank the Minister for this important update.

SCHOFIELDS PUBLIC SCHOOL

The Hon. COURTNEY HOUSSOS (13:25): A question was asked today about Schofields Public School. The community was told that there would be a pop-up school with 27 demountable buildings placed on site. The upgrade has now been completed but the demountables have not yet been removed, even though a new school has been built just down the road that was supposed to cater for the capacity of children. But it gets worse. Three more demountables were added over the school break. I can inform the House of the new revelations we have been provided with overnight. Yesterday in question time we asked about Gledswood Hills Public School at Camden. We said in its second year of operation there were 12 demountables on site when actually there were 18 demountables on site, which means enrolments had been underestimated by 540 students. That is not an isolated case.

All around the State brand new schools are being packed with demountables, including Armidale Secondary College, 11 demountables; Ballina Coast High, six demountables; Wentworth Public School, six demountables; and Jordan Springs, in its second year of operation, six demountables. Penshurst Primary School, the school that the Premier and the education Minister toured during the first week of school, had a demountable tucked out the back. That school needed a demountable before it even opened to students. It is a total debacle. The

Minister stubbornly defends the Government's creation of a new subset of the department, but repeated examples show it is not working.

The planning is so poor that the pop-up schools are having to stay on site despite the new schools being built. How will the schools cope in 10, 20 or 100 years? We are creating a situation where we are looking at high-rise schools in our suburbs. The Government wants to squeeze more out of hardworking families in western Sydney. It wants to cut wages, to increase tolls and to have people wait longer at local hospitals. Now it wants to squeeze students in like sardines—even at brand new schools. The Government has lost touch with western Sydney. It has made big promises and it is failing to deliver on all of them.

COVID-19 AND SMALL BUSINESS

The Hon. ROD ROBERTS (13:28): I take note of the answer given by Minister Tudehope in response to a fine question by the Hon. Daniel Mookhey about Rob, the small business owner in the tourism industry. I congratulate the Hon. Daniel Mookhey for his question but he is far too late. I raised the issue—not of Rob—of small businesses and vehicle registrations in the middle of last year. I got the same run-around answer that fell on deaf ears as well.

The Minister talked about who was at fault and the Labor States of Victoria and Queensland under Dan Andrews and Anastacia Palaszczuk; perhaps he was correct in saying that they are at fault. I do not know Rob, but I can guarantee he does not care who is at fault. Rob just wants his problem fixed. The Minister is blaming other States. What he needs to remember is that Rob is a New South Wales citizen and taxpayer. He pays levies, rates, fees, charges et cetera to this Government. Instead of blaming other States, the Minister should be fixing the problems that exist for the citizens of this State.

MENTAL HEALTH SERVICES

The Hon. SAM FARRAWAY (13:30): I take note of the answer given today by the Minister for Mental Health, Regional Youth and Women to the question on the significant investment by the Government in the Mental Health Line. Mental Health lines play an incredibly important role in ensuring that people right across the State can easily access mental health support from wherever they are. During the COVID-19 pandemic, mental health services have been more important than ever before and this was reflected in the increased number of calls to phone lines including Lifeline, Kids Helpline and, as the Minister touched on today, the New South Wales Mental Health Line.

I commend the Government for its timely response to the COVID-19 pandemic last year, in particular the \$16.4 million boost to the New South Wales Mental Health Line. The funding has given the service the capacity to take an additional 60,000 calls each year. It is fantastic to see the improvement that has resulted from that significant investment, with performance significantly improving and going from 52 per cent of calls answered within 30 seconds to 85 per cent. As the Minister touched on today, that is well above the 70 per cent target that was set. That is a great result. It is an example of a Minister in this Government—my colleague Minister Taylor—identifying a problem and fixing it, despite criticism from members opposite.

In New South Wales more phones are now being answered promptly and more people are receiving the help they need when they need it most. I know Labor attempted to run a scare campaign, claiming that we were going to privatise the line. That is simply not the case. What Labor was not saying is that Medibank Health Solutions has been a partner of the mental health telephone line for years; in fact, it was the former Labor Government that established the partnership. Local health districts can choose to run their own line or partner with Medibank. Just under half of the local health districts use Medibank. I note that the performance of those lines has been exceptional with 93 per cent of calls answered within 30 seconds. I commend the Minister for a job well done.

TOURISM INDUSTRY

SCHOOL INFRASTRUCTURE

The Hon. NATALIE WARD (13:32): I contribute to the take-note debate. It is disappointing that after all the fabulous issues that were raised, I have no audience to give the Government's response to.

The Hon. Adam Searle: I am here.

The Hon. NATALIE WARD: I thank the honourable member. It is exciting to see what this Government is doing and I am proud to be part of this team that is delivering for the people of New South Wales. We heard about the World Surf League's Rip Curl Newcastle Cup and the Narrabeen Classic, which is coming to our own northern beaches and to my colleagues further up the coast; that is fantastic. I would have thought that Surfing Searle would have been interested in what we had to say and that he would be signing up for the two championship

tours; I know he liked a bit of water in his time. Billabong Buttigieg is not here anymore, but I thought he would be signing up for it too. Mambo Mookhey was quite active today and I thought he would be signing up for some vouchers. Gidget Jackson has popped out but I thought she might be keen as well.

Hang-ten Houssos had some questions about education, which is fantastic, and I am pleased to talk about those. She raised quite seriously an issue about the Penshurst Public School. I love her advocacy, but I will get some facts on the record. The Penshurst Public School has one demountable building on site and that was to support a major capital work upgrade to the school. There simply has not been a truck available to remove that demountable. There is no conspiracy; there is no time to take it away but it will happen—no big deal. The buildings at Armidale Secondary College are in place for an intensive English centre to support the needs of a growing number of Ezidi refugee students in Armidale. That is a fantastic story. I thank the honourable member for bringing it up because it is important to note. The centre is an integral part of the community that supports Ezidi students. There is a demountable on site for the students' very own dedicated space, which is what they asked for. I am very proud to be part of this team that has a job creation strategy, which is an issue that was raised today.

I love the fact that members spoke about how well the Government has managed the pandemic and kept the economy open. Unlike Desperate Dan down below, we have kept our borders open. We have managed to prioritise keeping the economy going for the people of New South Wales with our \$6 million tourism boost and \$103 billion infrastructure pipeline. We are delivering infrastructure and jobs and we have a plan going forward; we are giving packages away. We have seen that with our domestic tourism operators. In one of Minister Harwin's answers he mentioned the boost to live music—\$1 million will be allocated to the CBD, including The ArtHouse Hotel and Sydney Tattersalls.

We are supporting our city venues, supporting our small businesses and our arts and live music economy. There is \$50 million in the rescue package. It is unbelievable that we are being criticised for putting money into those investments so we can try to boost the economy and recover and get out of the pandemic, which we did not create but we are recovering from. I am sure we will all be showing up to the Great Southern Nights event after we go to the surfing events; there will be 1,000 COVID-safe gigs. The Government has put \$1.5 million in to live music to bring it to Sydney. [*Time expired.*]

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

Motion agreed to.

Written Answers to Supplementary Questions

SCHOOL INFRASTRUCTURE

In reply to **the Hon. COURTNEY HOUSSOS** (17 February 2021).

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

Rowland Hassall School	0
Wentworth Point Public School	6
Bayanami Public School	0
NSW School of Languages	0
Bella Vista Public School	0
Cammeraygal High School	0
Central Sydney Intensive English High School	0
Lindfield Learning Village	0
North Kellyville Public School	0
Yawarra Community School	0
Yandelora School	0
Ballina Coast High School	8
Finigan School of Distance Education	0
Russell Lea Public School	0
Gledswood Hills Public School	18
Smalls Road Public School	0
Oran Park High School	0

Ultimo Public School	0
Jordan Springs Public School	6
Barramurra Public School	0
Estella Public School	0
Tirriwirri School	0
Penshurst Public School	1
Inner Sydney High School	0
Armidale Secondary College	11
Galungara Public School	0

MOLLYMOOK SCHOOL SITE

In reply to **Mr JUSTIN FIELD** (18 February).

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

Shoalhaven Anglican School

The community has been kept informed through regular updates on the project webpage (Budawang SSP relocation).

The project webpage was updated in December 2020 to include a planning update, together with a letterbox delivery to the local community and newspaper advertisement.

Also included was an invitation to take part in an online community survey that related to the Budawang relocation as a future use of the site (opened 22/12/20 and closed 5/2/21).

The use of the remainder of the site has yet to be finalised and the department is committed to engaging with the local community in the discussions around the use of the rest of the site.

The community will continue to be regularly updated and consulted about the future use of the site in line with current procedures.

98 Garside Road, Mollymook

The Mollymook site (2.79ha) was originally acquired in 1986 for an intended future primary school and is located within the Ulladulla Milton Primary and Secondary School Community Group [SCG].

Recent analysis of school enrolment projections indicate that the SCG is not projected to have any significant enrolment growth over the coming years.

With the department having acquired the larger (7.6ha) former Shoalhaven Anglican School site in Milton, the Budawang SSP will now be relocated to this site, with sufficient land available for further educational development on this site if required.

The decision to dispose of the Garside Road site was made in September 2020 as it was surplus to the department's requirements.

Proceeds from the sale of the site will be reinvested into new and upgraded school infrastructure.

Documents

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Privileged Documents

The CLERK: According to the resolution of the House this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 20 January 2021, on the disputed claim of privilege relating to a further order for papers regarding the ministerial disclosures of private benefits for Mr Daryl Maguire.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Privileged Documents

The CLERK: According to the resolution of the House this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 14 January 2021, on the disputed claim of privilege relating to a call for papers regarding the interests and representations of Mr Daryl Maguire.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

Tabling of Privileged Documents

The CLERK: According to the resolution of the House this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 16 February

2021, on the disputed claim of privilege relating to a further order for papers regarding the interests and representations of Mr Daryl Maguire.

STATE BUDGET

Tabling of Privileged Documents

The CLERK: According to the resolution of the House of this day, I table documents identified as not privileged in the second report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege relating to a call for papers regarding the 2020-2021 budget.

BUDGET FINANCES

Tabling of Privileged Documents

The CLERK: According to the resolution of the House of this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege relating to a call for papers regarding the 2020-2021 budget finances.

NEWCASTLE EDUCATION PRECINCT

Tabling of Privileged Documents

The CLERK: According to the resolution of the House of this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 3 February 2021, on the disputed claim of privilege relating to a call for papers regarding the Newcastle Education Precinct.

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

Bills

ROAD TRANSPORT LEGISLATION AMENDMENT (DRINK AND DRUG DRIVING OFFENCE) BILL 2021

In Committee

Consideration resumed from an earlier hour.

The Hon. MARK LATHAM (15:01): I will clarify and outline the One Nation position. One Nation could have supported elements of The Greens and the Animal Justice Party amendments. We support The Greens amendment regarding the change to low-level alcohol limits. We also support the inclusion of legal drugs in the bill, which seems eminently sensible, as well as the increased penalties that were outlined in The Greens amendments. The sticking point for One Nation is the provision that excludes the trace element effect, which was explained using the example of having traces of cannabis still in the system despite a person having smoked a joint a week prior to testing. One Nation does not support that amendment, nor does it support the Animal Justice Party amendment to that effect.

As the amendments have been moved in globo, One Nation feels compelled to vote against them even though, on balance, it supports many of their features. One Nation supports the suggestion from the Hon. John Graham that further processes need to be established. With regard to the treatment of legal drugs in the bill, there are anomalies related to combining drug and alcohol driving offences and roadside testing, which my colleague the Hon. Rob Roberts—who is an expert in this area—says is currently restricted to cannabis, ice and cocaine. At present, major drugs like heroin are not even tested on the roadside, which is concerning. One Nation has seen figures that show that one in 14 drivers test positive for a prohibited substance, so the bill needs to be broadened in this regard.

Members should be cognisant of the tragedy at Sussex Inlet on Boxing Day in 2017, when someone returning from a methadone clinic drove on the wrong side of the road and tragically killed an entire family as well as himself. One Nation supports the initiative of the Hon. John Graham to work with the transport Minister, Andrew Constance, to fix the anomalies in the bill. There seems to be a lot of goodwill around the Chamber on this issue, which is always encouraging. One Nation will support its own amendment and hopes that this process can result in good reform through the Parliament. I acknowledge that this is a significant bill. It honours the memory of a tragedy that members will never forget. If we can prevent such an awful occurrence from happening again, then that is why the Parliament is here.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): Mr David Shoebridge has moved The Greens amendments Nos 1 to 36 on sheet c2021-004D in globo. The question is that the amendments be agreed to.

The Committee divided.

Ayes5
 Noes36
 Majority.....31

AYES

Boyd (teller)
 Faehrmann

Hurst
 Pearson

Shoebridge (teller)

NOES

Ajaka
 Amato
 Banasiak
 Borsak
 Buttigieg
 Cusack
 D'Adam
 Donnelly
 Fang
 Farlow
 Farraway (teller)
 Field

Franklin
 Graham
 Harwin
 Houssos
 Jackson
 Khan
 Latham
 Maclaren-Jones (teller)
 Martin
 Mason-Cox
 Mitchell
 Mookhey

Moriarty
 Moselmane
 Nile
 Primrose
 Roberts
 Searle
 Secord
 Sharpe
 Taylor
 Tudehope
 Veitch
 Ward

Amendments negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. Mark Pearson has moved Animal Justice Party amendments Nos 1 to 15 on sheet c2021-005C in globo. The question is that the amendments be agreed to.

Amendments negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. Rod Roberts has moved One Nation amendment No. 1 on sheet 18. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes4
 Noes37
 Majority.....33

AYES

Banasiak
 Borsak

Latham (teller)

Roberts (teller)

NOES

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

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

Moselmane
 Nile
 Pearson
 Primrose
 Searle
 Secord
 Sharpe
 Shoebridge
 Taylor
 Tudehope
 Veitch
 Ward

Amendment negatived.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.**Adoption of Report**

The Hon. SCOTT FARLOW: On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. SCOTT FARLOW (15:23): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Mr DAVID SHOEBRIDGE (15:23): I said at the outset in the second reading debate on the bill that The Greens could not support the bill in the form in which it was originally drafted and that we would seek to improve the bill and get it to a position that we thought was supportable for a committee. Unfortunately, neither our amendments, nor the amendments put forward by the Animal Justice Party, both of which would have converted the bill to a supportable form, were successful. The bill continues to criminalise, under what are alleged to be road safety laws, people who are on the roads and have the smallest detectable amount of cannabis present in their system, and in circumstances where there is no evidence that that is a harm to road safety, including in combination with alcohol.

The bill also fails to deal with the scourge of drug and alcohol being contained in people's systems where the drugs are commonly used prescription drugs such as benzodiazepines and narcotics. It fails to address that safety issue. It also fails to address the concerns we have about the mixture of a low level of alcohol together with both legal and illegal drugs at levels which we know are impairing people's driving. I am not critiquing the motive of the Government in bringing this legislation forward, but it does not address the problem. The structure of this legislation will create additional ongoing arbitrary unfairness in the system and will not have the across the board effect needed to reduce the scourge of drug and alcohol being mixed at levels which are dangerous on our roads. It is for those reasons that The Greens cannot support the bill on its third reading.

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

Leave granted.**The House divided.**

Ayes36
Noes5
Majority.....31

AYES

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

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

Moriarty
Moselmane
Nile
Primrose
Roberts
Searle
Secord
Sharpe
Taylor
Tudehope
Veitch

AYES		
Franklin	Mookhey	Ward
NOES		
Boyd (teller) Faehrmann	Hurst Pearson	Shoebridge (teller)

Motion agreed to.

Motions

MODERN SLAVERY ACT 2018 NON-COMMENCEMENT

Attendance of the Leader of the Government in His Place

Debate resumed from 17 February 2021.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:33): The Government opposes this motion regarding commencement of the Modern Slavery Act 2018. I foreshadow that I will probably seek leave to extend my speaking time at the end of my three minutes. While this House may pass comment on the actions of the Government, it does not have the power to direct or compel Ministers of the Crown to make recommendations to Her Excellency the Governor in the exercise of her vice-regal functions. The Modern Slavery Act 2018, as passed by the Parliament, provided for its commencement on a day or days to be appointed by proclamation. That is to say, the Legislature gave to the Executive the power to determine the date of commencement of the Act.

While the Government notes that this is not a motion of contempt, it places on record its position that this House does not have the power to suspend or expel the Leader of the Government on the basis that the Act has not yet commenced. Members in this debate have made the allegation that this Government has done nothing on this issue during the term of this Parliament. This is untrue. We have referred the matter to the Social Issues Committee, and we have received and responded to that report and made the Government's position clear in a formal Government response to the report. In this debate thus far, members have not acknowledged that since passage of the New South Wales Modern Slavery Act there has been the passage of the Commonwealth Modern Slavery Act as well, which is very relevant.

The Government takes the view that the Modern Slavery Act is not in a position to be proclaimed. It supports amending the Act in line with the following principles: firstly, harmonising the New South Wales Act with the Commonwealth Modern Slavery Act with respect to the supply chain reporting threshold; and, secondly, retaining components of the New South Wales Act that complement the Commonwealth Act and which are not inconsistent with it. That includes establishing the New South Wales Anti-Slavery Commissioner together with its public awareness and advisory function, ensuring that goods and services procured by New South Wales Government agencies are not the product of modern slavery, and increasing support and assistance for victims of modern slavery. All of this was made very clear in the Government response. The Government is actively working with the Commonwealth to achieve harmonisation between the New South Wales regime and the Commonwealth Modern Slavery Act 2018. I seek an extension of time.

Leave granted.

The Commonwealth has indicated that it supports there being a clear and consistent regulatory framework for Australian businesses, and that New South Wales and the Commonwealth need to work to minimise the regulatory burden of entities covered by both Acts. It would not be appropriate to commence the Act as a whole until these significant outstanding policy and regulatory issues have been resolved, and we intend to resolve these issues through amending legislation, although that is still subject to the approval of Cabinet and the Government party room. Once upon a time, a censure motion in this House meant something. To pass a censure motion today on this issue, when the Government has been working towards harmonising this complex area of policy, is to completely debase the currency of the censure. It devalues the censure as a tool of the Legislative Council and it is contrary to the interests of the House. I urge honourable members to oppose the motion.

The Hon. ADAM SEARLE (15:37): In reply: I thank the Leader of the Government for his contribution and those who have also participated in the debate. I believe in my contribution I did acknowledge the steps the Government had taken and the advent of the Commonwealth legislation. In fact, I think the current reason for non-commencement is that the Government claims it is working towards harmonisation between the two legislative regimes. I did mention that. I acknowledge also that the Government says that this House has no power

to suspend a Minister for non-commencement of legislation. If the Government has legal advice to that effect it would be useful for the Clerks and for other members to understand how that conclusion has been reached or the basis for it. That would be useful.

I also note a point made by the Leader of the Government and indeed the Leader of the House that the legislation as enacted had an indeterminate proclamation clause—that is, the Act was to commence on a day or days to be set by proclamation. That is not an unusual formulation in legislation, but there is an expectation—and it is more usually the case than not—that at some point legislation is commenced, sometimes staged and over a period of time. But the reason for non-commencement is usually to do preparatory work, which usually does not go for 2½ years. I acknowledge that some legislative instruments or Acts passed have not been commenced and the House has not challenged those. This matter is in a very different category.

This legislation was designed to address what I think we would all accept is an unacceptable scourge. We acknowledge that the Government now says it is working with the Commonwealth towards harmonisation. But previous delays that were said to be on the basis of legal defects in the regime did not simply stack up, because at the very moment the matter was referred to the Social Issues Committee, the Government had a legislative solution to address any perceived legal shortcomings.

I urge honourable members to support the motion. I do not think it is against the interests of the House. It is important for the House to show its displeasure against the Government for its non-proclamation. If the Government is really hanging its hat on the terms of the proclamation clause, it is inviting this House to no longer allow the Executive to have such clauses in legislation and to set specified dates. I would not think that would be in the public interest, but if that is the only solution the Government leaves this House, we will see.

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

The House divided.

Ayes24
Noes17
Majority.....7

AYES

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

NOES

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

Motion agreed to.

Documents

COVID-19 AND PUBLIC SECTOR EMPLOYEES

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 1019 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (15:50): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Premier; Department of Premier and Cabinet; Treasurer; The Treasury; Minister for Health and Medical Research; Ministry of Health; Minister for Customer Service; Department of Customer Service; Minister for Planning and Public Spaces; or Department of Planning, Industry and Environment relating to working arrangements for Sydney CBD-based government sector workers:

- (a) all documents relating to the implementation of the policy that Sydney CBD-based government sector workers were to work from their offices to revive the Sydney CBD economy, as announced in October 2020, including documents relating to public service responses to the policy;
- (b) all documents and data which discloses the proportion of Sydney CBD-based government sector workers, working from their Sydney CBD office since 1 January 2020 in each of the following cluster departments:
 - (i) Department of Premier and Cabinet;
 - (ii) The Treasury;
 - (iii) Ministry of Health;
 - (iv) Department of Customer Service; and
 - (v) Department of Planning, Industry and Environment.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I came to this place a little bit sceptical about Standing Order 52. I wondered whether we really needed to become a freedom-of-information factory. However, I must report to the Chamber that I am a full-on convert, I am a true believer—

The Hon. Damien Tudehope: Oh, you're a disgrace!

The Hon. MARK LATHAM: —in holding this Government to account. The senior Minister here chiacks about the proposition. Let me give him the background to this particular Standing Order 52 call for papers, because it is quite amazing. What sort of government does not even report, having been asked the question, the progress of its own stellar policies? There is a big announcement; then a member asks, "How are you going with progressing and implementing that policy?" and the Government will not give any information about it. This happened not once, but twice.

We have debated this matter in the Chamber previously, but on 4 October the Premier announced, along with all her economic lackeys—the Treasurer and the finance Minister were part of this, all beating their chests that this would achieve amazing results—that public servants returning safely to their CBD offices was an important step in the State's economic recovery to help stimulate city-based businesses and create more jobs across the State. The announcement followed a big grand summit meeting, a powwow full of chinwagging about this particular policy.

Naturally enough, I asked of the key cluster Ministers in Health, Customer Service and Premier and Cabinet and the Department of Planning, Industry and Environment [DPIE] what progress has been made with this particular policy. They would not give me an answer. Then I came back to the Premier and those other cluster Ministers and pointed out that at least one of their number had given me an answer. Five did not, but one did: Attorney General Mark Speakman answered that 75 per cent of his non-essential departmental agency staff were still working remotely. At the end of October 2020 essentially nobody had gone back to the office in the Department of Communities and Justice. Some 75 per cent of non-essential departmental staff are still out there in the suburbs. I love the suburbs, but 75 per cent—

The Hon. Damien Tudehope: They're located at Parramatta, mate.

The Hon. MARK LATHAM: Why does the Minister hate the Parramatta CBD economy?

The Hon. Damien Tudehope: I don't hate it!

The Hon. MARK LATHAM: Why is he cheering on the fact that 75 per cent of the workers based at Parramatta are still working at home? Dropping the kids off at school, having a cup of tea in the morning, getting drunk with friends at lunchtime, going down for beauty work, and picking up the kids at three o'clock. That is non-essential home work under this Government. If they can squeeze in the time, they can perhaps partake in a few harmony reconciliation cultural sensitivity alphabet book club community meetings as well. That is productivity under the guidance of the finance Minister and other Ministers. The Minister is not going to stand up and defend those committees; I know that for a fact. He is the last person who will defend any of those committees. He probably got kicked off the Expenditure Review Committee because he had not made any cost savings in those committees, as I advised him to do time after time. These are self-inflicted wounds from the finance Minister.

I further point out to the Chamber some of the answers I received when I followed up. At least Speakman gave an answer. What is wrong with those other bludgers? Why do they not stump up with some information? Some of the responses are quite remarkable. The Premier stated, "I have nothing further to add to my previous answer." She is flatly refusing to report on the progress of this stellar, important framework economic policy to revive activity in the CBD and, in some cases, the Parramatta CBD. She will not give any of the data. So, reluctantly, the House has to call on that data through Standing Order 52. That is the process at hand. The answer from Minister Stokes to my follow-up question stated:

The Department of Planning, Industry and Environment (DPIE) took actions to support and communicate the message from the Premier on 4 October 2020.

They sent the message out. It goes on—and get this:

DPIE followed its Crisis Management Response Plan in safely returning staff to working from the office.

If the Premier tells you to go back and work in your in office—

The PRESIDENT: I remind the Hon. Mark Latham that with his back turned to the microphone, it is not being picked up by Hansard, nor anyone watching him on the televised feed.

The Hon. MARK LATHAM: I know. I have got fans here demanding attention. That is the problem.

The PRESIDENT: I remind all members they should face the microphone if they want to be heard.

The Hon. MARK LATHAM: Thank you, Mr President. It is small pickings but if you have a couple of fans, you tend to play to them, especially when you come from the crossbench. The DPIE invoked the crisis management response. They said, "The Premier has told us to go back to work in the office, but we can't because there is a crisis management response." They just had to walk back into their office, turn on the computer and do some work. How hard is it? Why does that need another Jim Betts committee—the crisis response planning committee? [*Time expired.*]

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:55): The majority of New South Wales public service employees are working on the front line in a range of workplace settings in the management of the COVID-19 pandemic. That is the reality. As restrictions ease, the New South Wales Government's longstanding flexible working arrangements will continue, including COVID-safe return-to-office measures, such as staggering office hours and remote working where practical. As standard practice, individual employees will continue discussions about their flexible working arrangements with their manager. We will continue to look at measures to balance all types of working arrangements and to support economic recovery and public health and safety as we tackle this virus.

The safe return to the office of public servants is an important step in the State's recovery, but we cannot afford to become complacent. Employees are being urged to travel outside of peak times where possible to help maintain social distancing on public transport and to consider wearing a face mask where they are unable to socially distance. The health and safety of the people of New South Wales has always been our number one priority. However, we are also focused on firing up the economy. We are now encouraging public servants to physically return to work in their offices in a COVID-safe way, which will help stimulate city businesses and create more jobs across the State.

The Government will continue to review health advice and aim to ensure we keep people safe while at the same time allowing them to return to their normal lives as much as possible. The safe return of workers to the city will help boost confidence and support businesses that have suffered over the past year. Having said that, and making that absolutely clear as the position, nevertheless the Government will not be opposing the honourable member's call for papers.

The Hon. ADAM SEARLE (15:57): The Opposition will also be supporting the call for papers because we believe in this area of public policy being thoroughly examined. We have a slightly different emphasis to the mover of the motion. Although CBDs did suffer financially during the absence of the usual workforce, nevertheless regional centres, coffee shops and shopping areas received a benefit, with local people working mostly from home. We note that the Government did change that part of the public health order that effectively made working somewhere other than a worker's usual workplace more or less the default setting. Whereas it was happy to scrap that for the general workforce, the truth—as outlined by the Leader of the Government—is that the public sector effectively still has as its default setting that its staff do not work in their usual workplaces full-time.

Increasingly it has been the case that public sector workers have had the benefit of flexible work, being able to work either from home or other places rather than a single standard location. Keen observers of the

arrangements of the properties in which government departments and agencies are located will note that the typical agency will actually only have accommodation for anywhere between 60 per cent and 70 per cent, maybe 80 per cent, of its workforce on any given day. It is pretty much mandated that a significant proportion of the workforce must work away from the office on a given day. But do not take my word for it. This is what in fact is happening across the public sector in line with increases in the uptake of flexible work.

As the Leader of the Government indicated, the Labor Opposition acknowledges that although New South Wales has been very fortunate in stamping down on the COVID-19 virus, nevertheless, we cannot be complacent. We should be cautious. A decision was taken in the public sector about keeping its workforce working remotely or at least exercising flexibility so that public sector workers were not in their usual place of work full-time. It was also suggested that that would keep a very significant cohort of commuters off public transport in an attempt to minimise risks to public health and safety. The Opposition wishes to be cautious about public health and safety but these are important public policy considerations. The member deserved straight, clear and full answers to the legitimate questions he asked. The Opposition fully supports this call for papers to bring all the information into the light. [*Time expired.*]

The Hon. MARK LATHAM (16:00): In reply: If what the Leader of the Government has said is true—that the policy is being implemented—why not answer my question? The Attorney General did. I simply wanted other Ministers, as head of the clusters in Health, Customer Service, the Department of Planning, Industry and Environment [DPIE], Treasurer and Premier, to answer the question in terms similar to those adopted by the Attorney General. They have not done that so we have no choice but to call for the papers. What the Leader of the Opposition is saying about flexible work has merit, but if 100 per cent of the workforce comes into government offices on any one day, they could only accommodate them all by putting some of them in the toilets. That may well be true.

However, the Government made the announcement for economic reasons on 4 October that all public sector workers would return to the CBD—perhaps because that was consistent with health orders or some other strategy. The Sydney centre had become a ghost town and their return to the CBD was part of the economic recovery of New South Wales. Crossbench members and the Opposition have every right to get answers about how that is being implemented and how successful it is.

The fact that the questions were not answered raises a suspicion that has been put to me: that many of the senior public servants simply said to the Ministers, "Hang on. We run our work arrangements, not you." It has been suggested to me that there has been defiance by the public service and that the Ministers were told, "We quite like working at home. You may make your announcements, as you did on 4 October, but we're staying at home." Of course, if that is true, that would raise serious concerns about who is running the Government. Can policies like this actually be implemented?

What is happening inside the New South Wales public service? The more I examine it, it is looking more and more like some type of workers' commune than an organisation that is run according to principles of service delivery, efficiency and productivity. There are many sources of alarm. While back in the day a few of us quite liked the idea of workers' communes, I am not sure it will fly in 2021. Let us get the information so we can get the facts on the table. The Government is not opposing the call for papers.

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

Motion agreed to.

TOLL ROADS

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 1037 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (16:04): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of the Minister for Transport and Roads, Transport for NSW or The Treasury relating to harbour tolling plans:

- (a) all documents, including reports, records, presentations, modelling, analysis, or correspondence, relating to all tolling plans for the Sydney Harbour Bridge, Sydney Harbour Tunnel, or Western Harbour Tunnel; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

As my Labor colleagues, including the shadow Minister for Roads, the Hon. John Graham, have pointed out, toll mania in New South Wales is well and truly alive. Sydney is already the most tolled city in the world. This Government has been extremely secretive in an endeavour to hide its tolling arrangements. There have been reports that toll mania will continue in 2021.

The Hon. John Graham: And there will be a sequel.

The Hon. ADAM SEARLE: The sequel will be a new toll on the harbour bridge and tunnel in 2022 when the current concession is due to expire. If that is correct it would be another example of a new toll on an existing piece of public infrastructure. It is one thing to say, "To help defray costs, we will put a toll on a new facility"—whether we like that or not, there is at least synchronicity in the reasoning—but to put a new toll on an existing road is very bad for road users. We need tolling transparency. The Opposition has put forward this call for papers to get to the bottom of the issues that are set out in the motion. The Opposition will continue to fight for toll transparency to try to get the Government to kick its addiction to always having its hands in motorists' pockets.

The Hon. John Graham: Come and explain.

The Hon. SCOTT FARLOW (16:05): I think the Hon. John Graham may have heard what I am about to say before. He may even hear it again. The Transport cluster respects the power of the House to use an order for papers in exercising its functions, including as a House of review. The Transport cluster will continue to work closely with Department of Premier and Cabinet and other agencies to ensure that all requirements of orders for papers are met. These orders can require staff to review large quantities of documents within seven- to 21- or 28-day time frames and often in the context of technological limitations.

These orders for papers have collectively resulted in thousands of documents being produced to the Legislative Council, requiring considerable resources that have tested the available capacity within the cluster. A response to a Standing Order 52 call for papers can divert many hundreds of staff hours from tasks critical to the effective operation of the Transport cluster. I remind the House that Transport has spent over 11,230 hours dealing with Standing Order 52s since 2019. This is equivalent to at least 6.5 full-time public servants working exclusively on responding to orders for papers in one year, without exercising any leave entitlements. Mr President, you have heard it all before, as have other members of the House.

However, I will say that Transport already has responded to multiple calls for papers related to the Western Harbour Tunnel and harbour tunnel crossing. Members of the Opposition may wish to review some of that documentation as well. The Government will not support the Standing Order 52 call for papers but will not divide the House.

The Hon. JOHN GRAHAM (16:08): I move:

That the question be amended as follows:

- (1) Omit "created since 1 January 2019".
- (2) Insert in paragraph (a) "created since 1 January 2019" after "all documents".
- (3) Insert after paragraph (a):
 - "(b) all ministerial briefs, created since 1 April 2011, relating to the annual review of the rate of the existing harbour bridge toll, and any decision to increase, or not increase, the rate,".

I welcome that Transport for NSW is saving money by cutting back on speechwriting and recycling the speech. It is a welcome development—certainly from my point of view. As the Leader of the Opposition in this place has stated, toll mania is back in 2021. Mr President, you will hear more about it over the next short period. This is a serious public policy issue. The Opposition has urged the Government to come clean on what will happen with the harbour tolls. Drivers need to know what the cost is. Citizens need to know where all the traffic will spill off into streets as has happened with the M5 East corridor grinding to a halt. Where will that happen around the Western Harbour Tunnel? Will it be Ryde and Gladesville that will grind to a halt as a result of trucks and cars? It will be a new toll on an old road. We do not know the cost of the toll. The Government said it will announce it shortly.

I will briefly explain the background to the amendment I have moved. The Opposition seeks a brief that has gone up every year to the Minister since this Government was elected reviewing the toll and reviewing what has happened to the consumer price index and has never resulted in a toll on the harbour bridge increase over the life of this Government. Every other toll has gone up. In fact, every other toll is going up dramatically, but this one has not. Based on information from the department that is an annual decision by the Minister.

They are the documents the Opposition seeks in addition to the ones my colleague moved the original motion to obtain. That will inform public discussion around the rate at which the harbour tunnel toll is set. While tolls in western Sydney or south-western Sydney are very high—they tend to be \$7 or higher in some cases—the

harbour tunnel tolls have been speculated at just \$3. That amount has not been increased over time, which starts to become an equity issue and a public policy question about which areas of the city are tolled at various rates and whether there is any logic to that. The documents we seek will inform the discussion. That is why the Opposition has moved the motion for them to be produced.

The Hon. ADAM SEARLE (16:10): In reply: I support the amendment moved by the Hon. John Graham.

The PRESIDENT: The Hon. Adam Searle has moved a motion, to which the Hon. John Graham has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

RIVER CLASS FERRIES

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 1038 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (16:11): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2018 in the possession, custody or control of the Minister for Transport and Roads, Sydney Ferries or the Treasury relating to the procurement of new ferries:

- (a) all documents, including correspondence, reports, modelling, or analysis, relating to the procurement of new ferries and:
 - (i) the impact on jobs or job creation in New South Wales, Australia, or overseas;
 - (ii) the economic impact or benefit to New South Wales, Australia, or overseas;
 - (iii) the cost or benefits of procuring ferries made in New South Wales, Australia, or overseas; and
 - (iv) any other differences identified between procuring ferries made New South Wales, Australia, or overseas.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

We have seen this Government buy 13 ferries from China and Indonesia and spend \$1.3 billion to create jobs, but they are not in New South Wales. We heard the Premier say we do not make anything well in this State, which is why we have to buy from overseas. It is a policy of despair directed at attacking and undermining the manufacturing capability of this State. The fact is that this Government has despaired of the manufacturing capability in New South Wales. The Labor Opposition does not agree with the Government's policy. We think we can and that we should make things in New South Wales. We have 10 new RiverCat ferries that do not fit under the Camellia Railway Bridge and Gasworks Bridge on the Parramatta River. Three of the new RiverCat ferries have been found to contain asbestos.

The new Emerald class ferries that will replace the iconic Freshwater class ferries cannot handle the swells seen on the harbour. How many jobs were lost when those contracts went overseas? Did the Government even care or think about what economic benefits could have been created in New South Wales by investing this money in the manufacturing capability of this State? The Labor Opposition believes ferries can and should be built in New South Wales. We believe buses and trains should be built in New South Wales. We believe Government procurement should be used to retain and build jobs in New South Wales, not overseas. We earnestly invite members of this House to support this call for papers.

The Hon. SCOTT FARLOW (16:13): I ask members to reflect on the comments I made in the previous debate concerning Standing Order 52 motions with respect to the capacity of the Transport cluster, their cooperation with the orders of this House and the enormous workload it has placed on them. I will save the House from that wonderful contribution. I note that Transport has already responded to a call for papers relating to Sydney ferries and those opposite might like to review the documents that have already been returned before continuing with this call for papers under Standing Order 52. For those reasons the Government will not support this motion but it will not divide on it either.

The Hon. ADAM SEARLE (16:14): In reply: I believe the previous call for papers on ferries was also mine. I have reviewed those documents, including those that were claimed to be privileged. I believe this call for papers will yield different documents that also need to be brought into the light of day.

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

Motion agreed to.

Motions

SEX WORKERS

Ms ABIGAIL BOYD: I move:

That private members' business item No. 996 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (16:15): I move:

- (1) That this House notes that the following Greens-initiated Local Government NSW 2020 conference motion was carried by the Board of Local Government NSW on 11 December 2020:
"That Local Government NSW:
 1. Notes that NSW decriminalised sex work 25 years ago. Decriminalisation in 1995 resulted in improved work safety, extremely low rates of HIV/STIs, increased transparency and better access to justice, health and services for sex workers.
 2. Notes that sex workers still face discrimination and harassment on the basis of their occupation.
 3. Acknowledges that the 2015 NSW Select Committee on the Regulation of Brothels recommended that NSW Health consult with Local Government NSW about any additional assistance, such as educational briefings, that it could give councils to assist them to make sound development assessment decisions around sex services premises from a public health perspective, and that the NSW Government supported that recommendation. Local Government NSW therefore requests that NSW Health provides these education briefings to Councillors in both the current and each subsequent council term."
- (2) That this House commend the Local Government NSW 2020 conference motion concerning sex workers to the Premier, the Hon. Gladys Berejiklian, MP, and the Minister for Health and Medical Research, the Hon. Brad Hazzard, MP.
- (3) That this House requests NSW Health, in consultation with Local Government NSW and industry representatives including the national peak sex worker organisation Scarlet Alliance and the Sex Worker Outreach Project [SWOP], provide the sex services educational briefings, as recommended by the 2015 Select Committee on the Regulation of Brothels, to councillors in both the current and each subsequent council term.

The motion relates to the need for educational briefings and other support to be provided to local councils regarding applications for sex work businesses and premises. It has been nearly 25 years since the decriminalisation of sex work. In that time the evidence is clear that decriminalisation protects workers and saves lives. Despite that, progress has long since stalled. Sex workers are routinely discriminated against for their chosen occupation. They are denied housing, refused services and forced to endure the entrenched stigma embedded deep within our society day in and day out.

That is why we are continuing to campaign for sex workers to be afforded protection under the Anti-Discrimination Act. It will allow them to get on with doing their job free from the fear of harassment, assault and discrimination. This motion is based on The Greens-initiated motion that was recently passed at the Local Government NSW 2020 conference. It recognises the history of discrimination that sex workers face on the basis of their occupation. It also acknowledges that the 2015 New South Wales Select Committee on the Regulation of Brothels recommended that NSW Health consult with Local Government NSW about what additional assistance and support could be provided to local councils and councillors such as educational briefings to ensure that planning discrimination did not continue. Planning discrimination is a real issue. Sex workers are forced to jump through bureaucratic hoops that are simply not there for other people seeking to establish their business.

Some local government areas seek to restrict sex workers to industrial zoning away from commercial areas. It is a practice that is unsafe and unprofitable. No other business faces such active discrimination. Some councils have attempted to entrench this discrimination in their planning controls and others are simply uninformed as to their rights and responsibilities. They need assistance to make sound development assessment decisions around sex services premises from a public health perspective. That is exactly why we need to educate and support councils in how they assess and manage applications for sex work businesses. They are telling us that they want that. This motion was passed by the board of Local Government NSW at the local government conference. It is this Government's responsibility to provide education and support and The Greens call on them to do that in consultation with the Sex Worker Outreach Project and Scarlet Alliance. It must be made a priority. I commend the motion to the House.

The Hon. SHAYNE MALLARD (16:18): The Government will not oppose this motion. The motion by The Greens and the board of Local Government NSW is welcomed. I speak from my experience as a councillor on South Sydney Council and the City of Sydney Council, which has experience with the sex work industry in its

local government area. I applaud the twenty-fifth anniversary of the decriminalisation of sex work and the removal of the regulation of sex workers from the purview of policing into the local government planning area. The Woodward royal commission identified elements of corruption in the police force around brothels and sex workers and recommended that reform, which has been largely successful.

The Government acknowledges that elements of discrimination in the planning system relate not only to sex workers but also to mosques. Twenty-five years ago sex workers faced severe violence, robbery, murder, blackmail and horrible treatment by and large in the sector; it is still happening occasionally. I note that a transgender sex worker was murdered in Wagga Wagga only 18 months or so ago doing her work, which is a tragedy. The response of the police to that has been very good compared to the old days.

NSW Health works with local government under the NSW HIV Strategy and the NSW STI Strategy. The incidence of new cases of HIV among sex workers in New South Wales is among the lowest in the world due to highly successful HIV prevention initiatives, which I support strongly. The Ministry of Health funds the Sex Workers Outreach Project [SWOP] to provide HIV, hepatitis C and sexually transmissible infections peer-based health education, prevention, outreach and support to sex workers across a range of settings in New South Wales.

I acknowledge the Kirketon Road Centre and the bus that reaches out to sex workers on the street, which the State Government courageously funded back in 2000 and it still funds today. I was talking to SWOP at the inquiry into the Mandatory Disease Testing Bill 2020 and the staff at SWOP were saying that the number of sex workers on the street now is a very small, but there are still some there. Back in 2000 that was a big issue when I was a councillor. That outreach program is critical to infection control in the sex industry, and I think we have come a long way in achieving that. The NSW HIV Strategy identifies sex workers and their clients as priority populations for prevention, testing and treatment for HIV. I would have liked to have spoken for more than three minutes on this issue, but with those few words, the Government commends the motion to the House. *[Time expired.]*

The Hon. TARA MORIARTY (16:21): The Opposition supports the motion and I note that it was adopted also by the board of Local Government NSW in December 2020. It is an important health and safety issue and we need to ensure that businesses and workers are as safe and protected as possible. Decriminalisation was a good and important thing and we need to ensure that councils and planning rules factor in safety and education. Once again, we support the motion.

The Hon. ADAM SEARLE (16:22): I entirely endorse the comments made by the Hon. Tara Moriarty. The Labor Opposition supports the motion. The reform referred to in paragraph (1) of the motion is the abolition and repeal of the Disorderly Houses Act, which took this area out of reach of the criminal law and placed it back in the area of planning. That was an initiative of the Hon. Jeff Shaw, QC, who was a great and reforming Attorney General of New South Wales and for whom I had the great privilege to work at that time. That was one of the projects that I had carriage of, although it was not my idea. Although moderately controversial at the time, the passage of time since then has shown that it was unquestionably a good thing to have done and it has had a range of positive benefits that have been acknowledged by the mover of the motion and also the Hon. Shayne Mallard.

Mr DAVID SHOEBRIDGE (16:23): I support the motion and commend my colleague Ms Abigail Boyd for bringing it to this Chamber. I also credit The Greens councillor Danielle Wheeler, who brought it to Hawkesbury City Council and then got it to Local Government NSW. They are both strong advocates for ensuring that sex work is seen as work. I acknowledge the comments of the Hon. Shayne Mallard and acknowledge his work in this space. I also acknowledge the reforms that were done by the former Attorney General the Hon. Jeff Shaw, QC. That was one of a number of really positive reforms that he implemented.

But we are not finished, and that is what the motion is for. We are not finished; there is still that discrimination. What I think is really positive is that we have seen local councils across New South Wales acknowledge that they have a responsibility too. They have a responsibility to ensure that sex work is not marginalised and that it is not only situated in what are quite often isolated pockets of their municipalities—often industrial land. That can happen only if we continue to destigmatise sex work and treat sex workers as workers with genuine rights, industrial rights, rights to be safe in their workplace and rights to be collectively represented. I acknowledge the great work of the Sex Workers Outreach Project and other organisations that are doing that and representing sex workers. With those brief comments, I support the motion.

Ms ABIGAIL BOYD (16:24): In reply: I thank the Hon. Shayne Mallard, the Hon. Tara Moriarty, the Hon. Adam Searle and my colleague Mr David Shoebridge for their contributions to the motion. I recognise the history which involved many of those members working to improve the health and safety of sex workers in our communities. As the Hon. Shayne Mallard said, I acknowledge the discrimination in the planning system. It is not only sex workers although it impinges on them in a particularly dangerous manner. I acknowledge the Hon. Tara

Moriarty who recognised the need to keep sex workers as safe and protected as possible. I thank them all for their support. I commend the motion to the House.

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

Motion agreed to.

Bills

**WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (PLASTICS REDUCTION)
BILL 2021**

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Ms Cate Faehrmann.

Second Reading Speech

Ms CATE FAEHRMANN (16:27): I move:

That this bill be now read a second time.

I am pleased to introduce The Greens Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 to phase out single-use plastics, polystyrene packaging, products containing plastic microbeads and other plastic products that are harmful to the environment. Since its mass production began in the 1950s, over eight billion tonnes of plastic have been produced, half of which was produced in the past 15 years. Of that astonishing figure, only 9 per cent has been recycled. The other 91 per cent is sitting in landfill, contaminating our oceans or has been incinerated, releasing harmful dioxins into our atmosphere.

Single-use plastics are so ubiquitous and all-pervasive that they are seemingly unavoidable. A plastic straw with our drink, a plastic bag to carry the shopping or plastic cutlery for our food—they are modern conveniences that most people barely even think about before they toss them into the bin after a single use. When plastic was first introduced to the world on a large scale, there was no reason to question it. The arrival of plastics created a dizzying array of new products allowing people of even modest income to consume a lot more stuff. We became addicted to plastics. We now know that our plastic addiction is having catastrophic repercussions for the environment and human health. Single-use plastics are made primarily from fossil fuels and are typically disposed of right after use. Of the nearly three million tonnes of plastic that Australia produces each year, 95 per cent falls into that category.

Take, for instance, a single-use plastic bag, which is used for an average of 12 minutes. That same plastic bag will then spend the next 1,000 years in landfill or in our oceans. Plastic is a tirelessly persistent pollutant. It is made to last and it does. Thanks to our throwaway culture, we are producing and consuming plastic at such an alarming rate that we have hardly had time to stop to consider the consequences. If we are not drowning in plastic, our marine life certainly is, and we are paying a steep environmental price for that. If current rates of production and consumption continue, there will be more plastic in the oceans than fish by 2050. Single-use plastics are the worst, bar none, for the danger they pose to animals, particularly marine life. Some 100,000 marine mammals such as whales, dolphins and seals die each year as a result of plastic pollution. This distressing figure results from these creatures either becoming entangled in plastic or ingesting it thinking it is food.

Yesterday the ABC ran a story about dead and sick baby turtles washing up on Capricorn Coast beaches in Queensland after swallowing plastic in numbers never seen before by researchers. The baby turtles feed at the surface on plankton, and they do not discriminate between plankton and floating rubbish or plastic. Plastic is also fuelling climate change. Most plastics are derived from materials like ethylene and propylene, which themselves are made from fossil fuels such as oil and gas. Therefore, the release of greenhouse gases results from plastic production at many levels of the chain, be it extraction, transportation or manufacturing. Climate-warming greenhouse gases are also released when sunlight and heat draws them out of plastics found in landfill and the oceans. As temperatures increase, this cycle is only perpetuated.

In 2019 it was calculated that the impact of plastic production on the world's climate was equivalent to the output of 189 coal-fired power stations. Not only is plastic pollution a significant threat to the environment; it has also become so prevalent that it poses a direct threat to human health. Thanks to its durable design, plastics can now be found in the food we eat, the water we drink and the air we breathe. When plastics break down into microplastic or nanoplastic particles, they absorb dangerous chemicals, which in turn contaminate our soil, air, water, ecosystems and food chains. The World Wildlife Fund estimates that humans ingest five grams of plastic per week. That is equivalent to the weight of a credit card. Scarily, the long-term consequences of this for human and animal health are not yet clear. The consequences of plastic pollution also come with a significant economic

cost. The cost for local authorities to manage litter in New South Wales is approximately \$132 million per year, with those costs eventually being passed on to residents and businesses.

China's crackdown on foreign waste imports in 2008 marked the end of Australia's out of sight, out of mind mentality. It exposed our flawed waste management system, particularly with regard to plastics. Prior to the ban, Australia had been sending over a third of its plastic waste to China each year. There is no doubt that we are fighting a war on waste in this country and plastic, in all its durable glory, is our biggest challenge. The bill would directly reduce waste and landfill, and ease much of the pressure that is being felt by the waste management industry as a result of China's ban. Instead of waiting for alternative countries to open up their borders for our plastic waste, we can create an opportunity for recycling and advance the Government's own stated agenda of a circular economy.

It is absolutely crucial that we phase out single-use plastics. The Government said in its discussion paper *Cleaning Up Our Act: Redirecting the Future of Plastic in NSW* that the best way to reduce plastic waste is to eliminate it at the point of generation. With that in mind, I am proud to introduce the bill on behalf of The Greens. The bill will establish a plastics reduction commission, which will work with industry to phase out single-use plastics and ultimately eliminate all plastics pollution from the environment by 2025. The bill outlines a clear and explicit plan to achieve that, and sets out targets for the elimination of different types of plastic waste. Except where specified, the bill does not distinguish between plastics derived from petroleum and those derived from plant-based materials.

The vast majority of bioplastics are just as problematic when they enter the environment as petroleum-based plastics. They will often only break down in industrial-scale composting conditions. Given how much plastic ends up in the environment already, it is far from assured that bioplastics are being disposed of correctly. While bioplastics may break apart, that is not necessarily a good thing. The pieces do not break down into carbon and hydrogen but instead turn into microplastics, which are much more difficult to clean up and end up polluting the environment in even more insidious ways.

Microplastics are now found everywhere in the ocean and have even been found in the depths of the Mariana Trench, the Arctic Ocean and the Antarctic Ocean. According to a 2017 UN report, there are more than 51 trillion microplastic particles in the sea. It is extraordinary how the UN worked that out. Meanwhile, research published in the journal *Environmental Science & Technology* found that humans are ingesting at least 50,000 microplastic particles each year. The bill's first two targets are to reduce the amount of plastic waste that enters the environment by 90 per cent from 2019 levels and eliminate plastic resin pellets used in industrial processes from the environment by the end of 2022.

The bill's third target is to ensure that all washing machines are fitted with a lint filter that traps microfibres and microplastics by the end of 2024. It also sets the target of all packaging used in the State to be comprised of at least 30 per cent recycled plastic by 2024. This is also the target set by the UK Plastics Pact, which the New South Wales Government identified in its plastics discussion paper. The Australian Packaging Covenant Organisation, which represents over 1,500 companies, wants to see all packaging include an average of 30 per cent recycled content by 2025.

The final target of the bill focuses on the elimination of specific types of plastic waste from the environment by varying deadlines. Single-use plastic bags, oxo-degradable plastics and cosmetic products containing microbeads will be eliminated three months after the Act commences. Plastic drinking straws, stirrers, balloons, takeaway polystyrene, food and beverage containers, sauce containers and re-usable plastic bags will be eliminated within six months of the Act commencing. These are all things that are easily replaceable and whose ban within the given time frame is not only achievable but also necessary. The Government has known for a long time that it must phase out plastics. Government members have been talking about it for years but we are still waiting. Whatever happened to their plastics promise?

The Hon. Matthew Mason-Cox: Stop bagging us out!

Ms CATE FAEHRMANN: I acknowledge that interjection. I wish that the Government would get rid of plastic bags so that The Greens did not have any bags to bag them out with. We do not want to bag them out with any more plastic bags. Get rid of the bags. Within 18 months of the commencement of the Act, all polystyrene packaging, plastic takeaway food containers and polystyrene waffle pods—those terrible things that are used in construction—will be eliminated. Finally, all non-recyclable and non-compostable beverage containers and all petroleum-based single-use plastics will be eliminated within three years of the commencement of the Act. Again, there are clear alternatives for all these products. They are unnecessary and their existence is more problematic than convenient for the environment.

The targets in the bill are not radical or unattainable. The overall objective of the bill is to eliminate all plastics pollution by 2025. As it stands, New South Wales is the only State not to have legislated a ban on single-use plastic shopping bags. In 2016, in the face of Government inaction, Greens MP and the member for Ballina, Tamara Smith, introduced a bill that would have banned single-use plastic shopping bags. That was five years ago. Meanwhile, New South Wales has fallen behind the rest of the country and much of the world in not legislating against single-use plastic shopping bags. Every other State and Territory has done it; Coles and Woolworths have even done it of their own accord. In October 2019 the Government rejected Labor's bid to ban single-use plastic bags in favour of its own comprehensive plastics reduction plan, which it promised would go so much further.

In March 2020 the Government released its plastics plan, with the stated aim of banning not only plastic bags but also a range of other single-use plastics. That is fantastic, but the draft legislation was expected before the end of 2020. Well, it is almost a year and a half since the Government first indicated its position and we still have not even banned the bag, unlike those other States. The Minister may have grand dreams, but dreams do not mean a lot to the turtles and birds choking to death on plastics in the oceans and across our State's shorelines.

Earlier this year the Minister told *The Sydney Morning Herald* that at the top of his agenda will be securing Cabinet support for new curbs on single-use plastics by March and launching a new 20-year strategy to reduce and re-use waste. I reckon New South Wales is tired of shifting goal posts and that this State needs action now to curb the avalanche of plastic waste that is devastating our environment and our oceans. This bill is a chance for our State to redeem itself after years of inaction by the Liberal-Nationals Government. If we do not act now, the dangerous cycle of inaction will continue and, before we know it, the Berejiklian-Barilaro Government will have wasted another year failing to act on plastic pollution.

Following the voluntary action of major supermarkets in New South Wales, the number of plastic bags littered in the State fell from 61 million to an estimated 10 million each year. Yes, this is progress; no, it is not enough. New South Wales businesses need the backing of the Government for certainty and to enforce change. The damage already done is severe. This bill is a chance to leave a legacy that future generations can be proud of. In fact, one of the key recommendations from a Senate report into the waste and recycling industry in Australia in June 2018 was that the Federal, State and Territory governments agree to phase out petroleum-based single-use plastic by 2023—earlier than the time frame outlined in this bill. This is a conservative bill; it is designed for the conservative Government to support it.

To assist in the achievement of plastics elimination targets, the bill contains a provision compelling the Premier to ensure that they are met. It will also require the environment Minister to take all reasonable steps to convene a meeting of responsible Ministers of the Commonwealth and other States and Territories for the purpose of achieving prohibitions on the manufacture or sale in this State of products that would hinder the achievement of targets. Of course, many measures contained in the bill would be best dealt with by a national law to ensure consistency. The counter-argument is that we simply cannot afford to wait any longer, because plastic waste is mounting up. Animal and bird life continues to be killed by the plastics in our ocean.

South Australia has recently implemented legislation banning the sale, supply and distribution of single-use plastics such as straws, cutlery and beverage stirrers from 2021. Queensland, Western Australia and the Australian Capital Territory all have policies in place or consultations underway on proposals to phase out certain single-use plastics. If this bill is passed, it will be the most comprehensive ban on single-use plastics in the country. Certainly, significant action has already been taken by the rest of the world, including the European Union, which has moved to phase out single-use plastics by 2021. Closer to home, New Zealand has planned initiatives to eliminate single-use plastics after successfully eliminating the single-use plastic bag in 2019. New South Wales needs action now. This bill will make our State a leader in the management of single-use plastics and will assist the Government to achieve its endorsed goal of a circular economy.

Other functions of the plastics reduction commission that the bill will establish include recommending statewide standards and mechanisms to reduce plastics pollution, undertaking inquiries on plastic waste education programs and issues, and undertaking audits of government and industry compliance with plastics elimination targets. The commission will also advise the Minister on matters to do with meeting the plastics elimination targets and provide independent advice on the management of plastics pollution. The bill will task the commission with creating three-yearly threat abatement plans to manage plastic waste in a way that abates or eliminates its adverse effect on the environment, and to implement necessary measures to meet the plastics elimination targets. The threat abatement plans acknowledge that specific and timely actions from industry, government agencies and community organisations are required in order to effectively eliminate single-use plastics from the environment. Opportunity will also be given to the public to make submissions on the threat abatement plans before they are finalised.

In achieving these targets, The Greens are sensitive to the fact that there are certain legitimate reasons for the manufacturing, selling or distribution of single-use plastics. In particular, there are people with a disability or with certain medical conditions who need those items to be able to eat or drink safely, independently and comfortably. With this in mind, the bill includes a specific exemption to ensure that such items remain available for those who need them. The plastics reduction commission that the bill will establish will also play a crucial role in investigating non-plastic alternatives for people in those situations. Further, the target of eliminating all plastics pollution by 2025 will ensure there is time to adjust and will hopefully assist in further alleviating any concerns held by those impacted.

The Greens have been pushing for action on plastic pollution for well over a decade. Unfortunately, it seems that this Government has only gone backwards. New South Wales was once leading the discussion on plastic reduction. Now we are lagging embarrassingly behind on a lot of things, and plastic is certainly one of them. The Liberal-Nationals Government's discussion paper on the future of plastics in New South Wales hints at plans for change, as I mentioned, but we do not actually know what that means.

This issue faces all of us as equals who share the planet and the responsibility to preserve it for ourselves and for future generations. By avoiding unnecessary plastics that we do not need, we can reduce risks to the environment and human health while at the same time preventing the need for plastic waste management down the track. It is now time for the Government to play its part in tackling the issue of plastics pollution in New South Wales. We have seen it done across the world. We have seen it done by the major supermarkets while the Government could not show leadership. Now, surely, it is up to members in this place to show the Government that, yes, it can be done.

Let us not fall into the same cycle of inaction as with the promise of banning plastic bags that never happened. I urge all members in this place to show the public that New South Wales can be a leader in plastics reduction. We have really dropped the ball when it comes to plastic bags, with every other State banning them. I urge members to support this bill so that New South Wales can be a leader when it comes to plastics. It is not that hard. This is a sensible, commonsense and conservative bill. I commend it to the House.

Debate adjourned.

Documents

RESILIENCE NSW

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business No. 1039 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (16:48): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 October 2019 in the possession, custody or control of the Premier; Deputy Premier and Minister for Regional New South Wales, Industry and Trade; Department of Premier and Cabinet; Regional NSW; or Resilience NSW relating to the establishment of Resilience NSW:

- (a) all documents, including correspondence, reports, briefings, or contracts relating to the establishment of Resilience NSW;
- (b) all documents, including correspondence, reports, briefings, or contracts relating to the appointment of senior executives or directors;
- (c) all documents, including correspondence, reports, briefings, or contracts relating to the budget of Resilience NSW;
- (d) all documents, including correspondence, reports, briefings, or contracts relating to the mandate, purpose or responsibilities of Resilience NSW;
- (e) all documents, including correspondence, reports, briefings, or contracts relating to all consulting contracts issued by or regarding Resilience New South Wales; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers relates to the relatively new agency Resilience NSW. Resilience NSW has been criticised by members of this very Government, despite the Government establishing the agency. The media has reported that Government MPs have criticised the agency's lack of output since its formation nine months ago. There have been concerns that the agency may not have provided briefings, advisories or reports to Government despite having a substantial budget and a significant number of staff on substantial salaries—as we read in *The Australian*. There are queries about whether there is certainty about what the agency is doing.

The agency has also spent almost \$1 million on consulting fees, just to help set the agency up and to develop an organisational chart, according to reports. If that is the case, there are some concerns about how the significant resources of this new body have been deployed. The agency was intended to support resilience and recovery in the State and there needs to be more transparency about what is actually happening, how the money is being allocated, whether that money is being spent as wisely as it could be or whether it is being wasted in whole or in part and how the appointments process has been undertaken.

Resilience and recovery is critical to New South Wales. It is too important not to be properly scrutinised as well. It is in the interests of openness and transparency that we seek this order for papers so that it may inform members of the House about the operations of the agency, to see whether or not there are any concerns disclosed in the documentation and to inform the House of its various activities going forward. I note budget estimates hearings are coming up and this call for papers will be delivered post-estimates but possibly in time for supplementary hearings or the like. The point is, this is a serious proposition about openness and transparency and we ask honourable members to support this call for papers.

The Hon. NATALIE WARD (16:51): I speak on behalf of the Government to oppose the motion for three simple reasons. Firstly, while I am sure well intentioned, Resilience NSW is there to get on with the job of recovery and this call for papers would require an unnecessary diversion of resources. We want this body to focus on getting help where it is needed quickly. Secondly, the reasoning for the establishment of Resilience NSW in the aftermath of the 2019-20 bushfires is on the public record. Thirdly, the financials of Resilience NSW are also available and on the public record. There is no utility in this Standing Order 52 application. While I am sure it is well intentioned, this information can be found in other places and, of course, through the budget estimates process, as the Leader of the Opposition has referred to. I urge members to let this agency focus on disaster planning and management and not waste the time of those at Resilience NSW responding to an onerous Standing Order 52 application. For those reasons the Government opposes this application.

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

Motion agreed to.

BUSHFIRE RECOVERY ASSISTANCE

Production of Documents: Order

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1007 outside the order of precedence be considered in a short form format.

Mr DAVID SHOEBRIDGE (16:53): I seek leave to amend private members' business item No. 1007 outside the order of precedence by omitting "21 days" and inserting instead "28 days".

Leave granted.

Mr DAVID SHOEBRIDGE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 September 2019 in the possession, custody or control of the Premier; Deputy Premier and Minister for Regional New South Wales, Industry and Trade; Department of Premier and Cabinet; Department of Planning, Industry and Environment; Regional NSW; or Resilience NSW relating to bushfire recovery grants for small business and primary producers:

- (a) all documents relating to all audits of the \$10,000 NSW Small Business Bushfire Support Grant, including audits, draft audits, briefs, memorandums or contracts for audits and communications regarding any audit;
- (b) all documents relating to all audits of the \$50,000 NSW Small Business and Non-Profit Organisation Grants, including audits, draft audits, briefs or contracts for audits and communications regarding any audit;
- (c) all documents relating to all audits of the \$75,000 Emergency Bushfire Response in Primary Industries Grants Program in NSW, including audits, draft audits, briefs or contracts for audits and communications regarding any audit; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

There were three rounds of bushfire grant funding: a round of \$10,000 for small business support rolled out last year; a further round of \$50,000 for small business and not-for-profit organisations rolled out after that; then a \$75,000 emergency bushfire response grant rolled out after that. All members would accept that there is great benefit in getting money out rapidly when there is a disaster. The question is: Were there rigorous controls in place? Very real concerns have been raised, in particular about the second program, about organised crime figures getting access to the funding, multiple applications for funding having common addresses and those common addresses being at the headquarters of outlaw motorcycle gangs.

Of course we are concerned that bushfire relief funding may have been syphoned off by criminal figures. It would be prudent to conduct audits on such programs. I am assuming that the Government has conducted audits on these programs and if it discovered any problems that it pressed on with vigour to ensure that the programs were put in place. If any of that proves not to be the case, we will find out with this Standing Order 52 application. I commend the motion to the House.

The Hon. TARA MORIARTY (16:55): I speak on behalf of the Opposition to indicate our support for the motion. Given the circumstances and the history of these bushfire support grants, it is essential that we have proper scrutiny and transparency. As my colleague has outlined, let us see what audits have occurred on these grants. We accept that this was a process that had to be done in a timely manner but, given the circumstances, we need to see the audit documents to ensure that these grants have been handled properly.

The Hon. NATALIE WARD (16:56): I speak on behalf of the Government to oppose this motion. This is the third bushfire grants related order for papers this week—three extensive orders for papers that will need to be fulfilled by the same team that is assessing and delivering the open round of the Bushfire Local Economic Recovery Fund. When is enough enough? We are all for transparency and accountability, but at some point we have to get on with delivering these rounds and letting this agency get the money to the people who desperately need it.

It is crystal clear for everyone to see that Labor and The Greens are using parliamentary processes to push their agenda at the cost of bushfire victims and those people who need these funds, who desperately need assistance now, and who should not get caught up in the administrative production of papers. They are playing politics on what should be a bipartisan issue and blatantly ignoring the facts in favour of misinformation or other agendas. The Deputy Premier volunteered to sit with the grants inquiry committee for hours and provided them opportunities to ask questions and request relevant documents. He fronted up to the committee and was happy to answer questions. He did so for hours and still we have this administrative process, which is delaying getting funds to people who need it.

The Deputy Premier and the department are available to brief those opposite at any time, should they wish. All they have to do is ask. That is because we value transparency. We have demonstrated this time and again, but we must defend and support a department team that has worked day and night through weekends and holidays since the bushfires last year to help our regional communities recover. Bushfire recovery support has been deliberately staged to ensure the short-, medium- and long-term needs of people who are impacted are met, no matter where they live. We have to get on with this job. At some point these people need to get these funds and we cannot continually place this administrative burden on them.

The 2019-20 bushfire season involved active fires across 50 local government areas, with some more impacted than others. That is just a fact. Every community that was impacted by bushfires is being supported in a variety of ways. Approximately \$4.4 billion has been committed by the New South Wales and Commonwealth governments to the bushfire response, recovery and preparedness efforts of New South Wales, including \$3 billion from the New South Wales Government. Let us get the money to them. For these reasons we oppose the motion.

Mr DAVID SHOEBRIDGE (16:59): In reply: My only comment in response to the contribution from the Parliamentary Secretary is that she should be careful what she says. We will look closely at her contribution once we review the documents that have been produced.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf of Mr. Justin Field: I move:

That private members' business item No. 1031 outside the order of precedence be postponed until a later hour of the sitting.

Motion agreed to.

Motions

GREATER MACARTHUR KOALA POPULATION

Mr DAVID SHOEBRIDGE: On behalf of Ms Cate Faehrmann: I move:

That private members' business item No. 1043 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (17:04): I move:

- (1) That this House notes that the NSW Chief Scientist & Engineer's report entitled *Advice on the protection of the Campbelltown Koala population* was provided to the Minister for Energy and Environment and the Minister for Planning and Public Spaces in April 2020, and states that:
 - (a) the Greater Macarthur region's koala population is the largest population in Sydney and one of the healthiest in New South Wales with no traces of chlamydia;
 - (b) the population of between 250 and 500 koalas is surviving in a landscape that is predominantly native bushland, connected to rural farmland or peri-urban environment in the vicinity of the Greater Macarthur area;
 - (c) Lendlease's proposed Mount Gilead and Figtree Hill housing estates will be built at the historic Mount Gilead Estate, home to three of the six vital east-west koala corridors between the Nepean and Georges rivers;
 - (d) a key issue is whether the retained habitat in east-west corridors between the Nepean and Georges rivers can be managed such that koalas are not exposed to increased threats such as traffic and dogs, and whether mitigation measures will separate koalas from these threats; and
 - (e) effective koala crossings in the form of overpasses or underpasses are needed between the two sides of Appin Road at Noorumba Reserve and Beulah.
- (2) That this House notes that Lendlease has offered to fund and construct koala crossing underpasses on Appin Road at Noorumba Reserve and Beulah but have faced repeated resistance from Transport for NSW.
- (3) That this House calls on the Government to:
 - (a) enforce the Chief Scientist's recommendations regarding the protection of the Campbelltown koala population; and
 - (b) ensure the construction of underpasses on Appin Road prior to any development commencing at Mount Gilead.

Most people are probably not aware that koalas are still living in Sydney. Many would be surprised to learn that there are up to 500 koalas—possibly more—in Campbelltown and the surrounding area, making up one of the few populations that is growing in numbers and the only group that is healthy and free of chlamydia. Therefore it is distressing to think that one of Sydney's last remaining koala habitats is the target of a sprawling residential development that would fragment it in two, preventing the movement of koalas across the landscape and exposing them to vehicle strikes, dog attacks and the general stress of urban and construction disruptions.

The Figtree Hill and Mount Gilead projects proposed by Lendlease would do exactly that. They are situated directly on top of existing koala habitat and encroach on important corridors that connect the Nepean River and Georges River koalas. The threat that poses to Campbelltown's koalas is made clear in the Chief Scientist & Engineer's report entitled *Advice on the protection of the Campbelltown Koala population*, which was commissioned by Minister Kean and then provided to Minister Kean and Minister Stokes in April 2020. The report states:

Few dense urban new developments in Australia have successfully, over the long term, avoided declining koala populations in the context of rapid growth in urban infrastructure, dwellings, and the threats that arise from thousands of human residents.

As the report points out, one of the most concerning aspects of this development is the increased traffic along Appin Road, which has also been slated for upgrade by Roads and Maritime Services [RMS]. Vehicle strikes are one of the main causes of koala mortality. As koalas travel across ground to breed, find water or escape fire, Appin Road is already a hot spot for koala roadkill. Many members have seen those distressing images. I thank the wildlife carers who are picking up those distressed, injured and sometimes dead koalas from the side of Appin Road. With the double-edged sword of the development bringing more vehicles to the area and more koalas migrating to escape the intrusion into their habitat we can expect the koala death toll to rise.

The Chief Scientist & Engineer's findings identified two crucial wildlife crossings across Appin Road that would need to be built prior to any development works if the koalas are to be protected from this project. The report recommends that those crossings take the form of an overpass or underpass and that they be constructed at Noorumba Reserve and Beulah. I am grateful for the tireless campaigning by local environmental organisations such as Save Sydney's Koalas, the Total Environment Centre and, more recently, some incredible actions by Extinction Rebellion Sydney. All of this has kept the pressure on Lendlease to act. Because of our collective efforts, Lendlease has contacted me and indicated its willingness to follow the Chief Scientist & Engineer's report in relation to the Appin Road crossings.

Let me be clear: It is an outrage that the Government is still approving new suburbs and other developments to be built in koala habitat across New South Wales, but particularly where we have one of our last healthy and thriving populations. However, Lendlease has stated it wants to build a crossing and has committed funding to do so. That is a good thing, but I was disappointed to hear that Lendlease's offer to the RMS has apparently been rejected. How could it be that this Government is refusing external funding for minor roadworks in an area already marked for upgrade and mandated by the Chief Scientist & Engineer in a report that it commissioned? In its Appin Road upgrade submissions the RMS stated:

... that there is significant uncertainty regarding the long term value of any connectivity structure provided to Noorumba or Beulah Reserves ...

That is just rubbish. There is no uncertainty. Those koalas need corridors and they need the underpass. Lendlease has stated that it will do that. The resistance is coming from the Government. The motion I move today urges it to act.

The Hon. NATALIE WARD (17:09): I move:

That the question be amended by omitting paragraphs (2) and (3) and inserting instead:

- (2) That this House notes that Lendlease has offered to fund and construct koala crossing underpasses on Appin Road at Noorumba Reserve and Beulah, which are subject to ongoing investigations.
- (3) That this House calls on the Government to enforce the Chief Scientist & Engineer's recommendations regarding the protection of the Campbelltown koala population, prior to any new development commencing at Mt Gilead.

The Government does not support the motion in its current form; hence the amendment. The Government recognises the importance of the Greater Macarthur koala population and is committed to its protection. It is the largest population of koalas in the Sydney metropolitan region and one of the healthiest, and we know that koalas are threatened by the loss and fragmentation of habitat. In response to community concerns, the Minister for Planning and Public Spaces and the Minister for Energy and Environment requested expert advice from the NSW Chief Scientist & Engineer on measures to protect the Campbelltown koala population. The recommendations cannot be retrospectively applied to stage one of the development but will be applied in assessing Lendlease's current Mount Gilead stage two proposal.

The Minister for Energy and Environment has stated that he will approve the biodiversity certification for stage two only if the proposed development meets all the recommendations of the Chief Scientist & Engineer. Underpasses on Appin Road are identified in the Chief Scientist & Engineer's report as an important part of securing east-west corridors linking the Nepean and Georges rivers. I am advised that Transport for NSW and the Department of Planning, Industry and Environment are working closely together in regard to the proposed Lendlease development, including east-west corridors for the koala population. Further to this, I am advised that Transport for NSW has been supporting the department's investigations through the technical assessment panel, including potential crossings at Noorumba, Beulah and Ousedale Creek.

The investigations include how those potential crossing points align with broader land use and protection corridors within the Greater Macarthur Growth Area. Transport for NSW continues to work on proposed safety upgrades along Appin Road, in particular their interface with the potential koala crossing at Ousedale Creek. While we note the good intentions of the mover of this motion in regard to Lendlease's proposal, the Government rejects the assertion that the developer has faced repeated resistance from Transport for NSW to deliver potential crossings in line with the Chief Scientist & Engineer's recommendations. As such, the Government cannot support the motion in its current form. I make clear to the House: I am advised that Transport for NSW will continue to work with the Department of Planning, Industry and Environment and the developer through the technical assessment panel as investigations on those corridors continue.

The Hon. MARK LATHAM (17:13): The fight to preserve and protect the koala corridor in Campbelltown began 30 years ago. I pay tribute to Independent councillor Sue Dobson, who was first elected to the Campbelltown City Council on a mandate for koala protection in 1991. Sue was a wonderful campaigner. She was known aptly as the koala lady and was elected not only on that very important environmental issue but also on her wonderful community work in the Airds public housing estate. Others now have taken up the cause and are doing good work, but Sue Dobson should be acknowledged for putting the colony on the map. Many people in Campbelltown did not know that the corridor from Long Point to Wedderburn along the Georges River at Campbelltown even had koalas. The campaign raised awareness and in its day it was a wonderful piece of news and urban environmentalism for the local community.

The issue has now progressed to the point at which the State Government is taking it seriously. There has been an attempt to establish park reserves and other initiatives have been taken to look after the corridor not only from Long Point to Wedderburn but also extending it west through Appin, Gilead and to the Nepean River. I thank Ms Cate Faehrmann and congratulate her on the work she has done on this issue. What she has brought to light is the essential scientific finding that the key aspect of koala transit is between the two rivers—the Georges River and the Nepean River. The big challenge is to have a corridor that makes the river transits of koalas possible and seemingly preserves a healthy corridor and colony of approximately 500 koalas. Because of the geography of the area, the koala colony will be pretty well self-contained. External koalas would not be coming in, possibly bringing in diseases and causing diminution of the size of the colony. Rather, the colony of between 250 and 500 koalas would be healthy and self-contained. That has always been the objective over the past 30 years.

It began as a rudimentary campaign led by Sue Dobson, something as simple as signs on the road, particularly Appin Road, to warn motorists to slow down so as not to run over a koala. It has been a long struggle of urban environmentalism to arrive at this point. But the continued success of protecting the koalas now hinges on two things, one of which is the goodwill of the State Government. I have no doubt that Minister Kean and Minister Stokes want to support the colony and do the right thing, which is encouraging, but the second key aspect is to support the motion, particularly paragraph (3). The motion states in part the "construction of underpasses on Appin Road prior to any development commencing at Mount Gilead". This is vital because the oldest property developer trick in the book is to do the housing development, wipe out the habitat and then say, "We don't need to construct the underpasses. There are no koalas around here. We cleaned them out with the bulldozers."

Lendlease must be fair dinkum in acknowledging, and the State Government must accept, that the key action and sequence is to construct the underpasses first, establish the corridors and then proceed with the housing development. It would be disastrous if it is done the other way round. I have been around in south-west Sydney long enough to know that some developers clean out the habitat and then say, "We don't have to do much on the environmental front, minimising our expenditure, because there are no animals to be seen and no wildlife to protect." The motion is commendable. It will have the support of One Nation because it gets the sequence right.

Hopefully, if the motion is accepted by the Government or at least the Ministers, it will bring finality to a 30-year struggle to get this right. There is a willingness across the Parliament to get it right. I just hope the Government acknowledges that there is a risk that property developers will suggest development of the housing estate should occur first with all the accompanying excessive bulldozing and loss of habitat, as well as koalas. The underpasses must be constructed first or there is no point in having them. The logical sequence is to construct the underpasses first. Hopefully the motion will have the support of this Chamber.

The Hon. PENNY SHARPE (17:18): On behalf of the Labor Party I strongly support the motion. We have been talking about the Campbelltown koalas for a long time, as noted by the Hon. Mark Latham. I particularly note the community activists who literally have spent hundreds of hours walking through bush, documenting where the koalas are and literally mapping exactly where this very unique colony is. We should be extremely proud that at the edges of the biggest city in Australia there is bushland that is healthy enough to sustain this important koala colony. We should protect that as much as we possibly can. I state for the record that people like Pat and Barry Durman and people from the National Parks Association have done a lot of on-the-ground work over every square metre documenting every tree, every koala, documenting the populations and where they live and where they move. They have enabled us to understand how important and how endangered the colony is.

The other group of people that I acknowledge are the wildlife carers and those that have the terrible and extremely distressing job of scraping flattened koalas off Appin Road and other roads surrounding this area. Through the koala inquiry we found that they were losing up to 10 per cent of the population each year to roadkill. That is why the underpasses are so important. I do not doubt that the Government is committed to getting it right, but they have been talking about it for a long time, kicking and screaming. It is time to build the underpasses; overpasses do not cut it. Cutting and fencing off areas is a second-best option and will not do what needs to be done, which is allow the koala population to live and thrive in the area. The motion is important.

I understand that the Government has tried to find something that is more palatable to it but it is straightforward. If we want koalas to survive, if we do not want to lose 20 to 30 of them each year through roadkill, including mothers and babies, the carers will tell members that we cannot continue to kill the breeding colony that we need. The underpasses are absolutely necessary. They follow the science and there is consensus. We have to stop mucking around. Lendlease will pay for it. Previously the excuse was that there was no money to pay for it. We all agree that it is a straightforward motion. I am glad that there is consensus in the House. I give a shout-out to the community activists who have worked so hard to protect the koalas and to the member for Campbelltown, Greg Warren, who for years has been pursuing this project day in and day out.

Ms CATE FAEHRMANN (17:21): In reply: I thank each member who has contributed in debate to the motion. I thank the Hon. Natalie Ward for the Government's contribution, the Hon. Mark Latham and the Hon. Penny Sharpe. Nobody wants to see the destruction of this koala population. I have had good discussions with the environment Minister Matt Kean and his office about this and with Minister Andrew Constance. I have also met with Lendlease to talk to them about their plans for the underpass. I echo the Hon. Penny Sharpe's contribution in terms of the incredible dedication and work by the community documenting koalas for so many years. There would not be people in this place if it was not for their work, campaigning so hard to ensure that developments such as the Mount Gilead do not spell the end of the colony. I am not arguing that the development should not go ahead. Stage one could be locked and loaded—who knows?

The underpass is absolutely critical for the survival of this colony. The Government has committed to doubling koala numbers by 2050 and the Premier says she wants to be known as the Premier who saves koalas. The koala population in south-west Sydney is the healthiest koala population in this State. The koala inquiry found

that koalas will become extinct before 2050 without urgent government action. The koala inquiry recommended that the underpass is essential to prevent 10 per cent of koala deaths in the area occurring on Appin Road. It is an underpass that can be built right now. I have seen the Lendlease drawings. They said it will cost an additional \$4 million on top of what they are constructing in relation to that road if it is built at the time of development. If they have to go back later, it is so much harder. It appears we have the support of members in this place. I thank members for considering this motion and for supporting it today.

The PRESIDENT: Ms Cate Faehrmann has moved a motion, to which the Hon. Natalie Ward has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes16
Noes23
Majority.....7

AYES

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

NOES

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

PAIRS

Mitchell

Veitch

Amendment negatived.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf of Mr David Shoebridge: I move:

That private members' business item No. 1063 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Daniel Mookhey: I move:

That private members' business item No. 992 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Natalie Ward: I move:

That private members' business item No. 988 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

That private members' business item No. 1004 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of Mr Justin Field: I move:

That private members' business item No. 1031 be postponed until the next sitting day.

Motion agreed to.

Documents

WATER PROJECTS AND CAP MODELLING

Production of Documents: Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 1042 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (17:38): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Water, Property and Housing; the Department of Planning, Industry and Environment; Treasury; or WaterNSW:

- (a) the Lachlan Valley Priority Catchment Water Security Preliminary Business Case and appendices, April 2018;
- (b) all documents, created since 1 July 2019, relating to the funding of the Wyangala, Dungowan and Mole River dam projects, including all business cases;
- (c) the following reports and audits of cap models in the Murray Darling Basin:
 - (i) Namoi Valley Independent Audit of Cap Model, February 2005;
 - (ii) Namoi River Valley, IQQM Cap Implementation Summary Report, 2005;
 - (iii) IQQM Cap Implementation summary report for the Gwydir River Valley, 2009;
 - (iv) Gwydir Valley independent audit of Cap model, 2009;
 - (v) Macquarie/Castlereagh/Bogan Valley, Independent Audit of Cap Model, 2010;
 - (vi) Macquarie River Valley, IQQM Cap Implementation Summary Report, 2015;
 - (vii) Macquarie Regulated River: IQQM Re-calibration, 2015;
 - (viii) NSW and Queensland Border Rivers Valleys Independent Audit of Cap Models, 2014;
 - (ix) Border Rivers Valley: IQQM Cap Implementation Report, 2013;
 - (x) Barwon-Darling Valley—IQQM Cap Implementation Report, 2011; and
 - (xi) Barwon-Darling Valley—Independent Audit of Cap Model, 2013.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion is another order for papers under Standing Order 52 and relates to a number of documents regarding water. Portfolio Committee No. 7 is currently undertaking an inquiry into new dams and other water infrastructure. During that time, a number of people in the community have expressed concern that the Government has made a number of huge announcements relating to water infrastructure in this State without publicly releasing business cases, feasibility studies or modelling. One of the affected areas is the Lachlan Valley. Many landholders in the region are extremely concerned about the impact that the raising of the Wyangala Dam wall will have on their flood plain grazing and wetlands, as well as on the downstream communities in Wyangala. This motion is calling for documents related to a preliminary business case on water security in the Lachlan Valley priority catchment and appendices; a lot of appendices have not been released publicly.

A dam has also been proposed for the Mole River, which is a beautiful river in the northern Basin. The proposal has alarmed many in the local community, including First Nations communities. It would have a huge impact on sacred sites and much of the downstream ecosystem. Again, no business case was released. Why has this dam been proposed? The Government must expect community outrage and insistence that business cases are put forward before it announces that these projects will be going ahead. The Government needs to be more transparent with regard to the way water is managed in New South Wales.

This motion also calls for reports and audits of cap models in the Murray-Darling Basin. This is incredibly important information, particularly at a time when there has been so much focus on water. In fact, yesterday's debate in the Chamber on the ICAC report allowed members to express their alarm at that. I urge members to

support this call for papers, which will help us to understand and shine a light on water management decisions that are being made by the water Minister and those within the public service. I commend the motion to the House.

The Hon. TAYLOR MARTIN (17:42): The Government opposes the motion. It is similar to previous orders for papers that have been called for by Ms Cate Faehrmann that have resulted in the production of significant volumes of documentation. The Government is proud of the fact that it is building dams for the first time since 1987 to provide water security for the regions through its water infrastructure building boom. The projects will bring a range of short- to medium-term economic benefits that will support the recovery from COVID-19, including more construction jobs and capital investment, as well as the benefits to recreation, tourism and industry that come from infrastructure operation, maintenance and a more secure water supply.

We need to invest long term in this State's water security to build the resilience of regional communities. That will assist in improving the surety of environmental flows, which is necessary to maintain connectivity and improve the health of regional water catchments, and provide productivity benefits to the regional economy. The New South Wales and Commonwealth governments are working collaboratively to prioritise and fast-track water infrastructure projects. To support fast-tracked delivery, those projects and the Western Weirs Program have been declared critical State significant infrastructure in the Water Supply (Critical Needs) Bill 2019, proposed by the Government and passed in November 2019. Investing in water security is the highest priority for the \$4.2 billion Snowy Hydro Legacy Fund, alongside investigating other priority water infrastructure projects. The Government opposes the motion.

The Hon. PENNY SHARPE (17:43): The Parliamentary Secretary should be wary of the words that he is given by Ministers. Every Government witness who has appeared before the inquiry into the rationale for, and impacts of, new dams and other water infrastructure in NSW has said that they want to build these projects but will not agree to build or even fund them until all the work has been done and there is a business case. Despite this, the Hon. Taylor Martin says that the Government will build new infrastructure regardless, and therein lies the problem. I will not continue at length, although I feel like I should. Labor supports this order for papers. If the Government wants to spend billions of dollars of taxpayers' money through schemes like the Snowy Hydro Legacy Fund on projects for which it still does not have business cases, has not done cost-benefit analyses and that are doubling in cost every six months, then members need to have a look at the documents. At the moment these projects fail to stack up.

Ms CATE FAEHRMANN (17:45): In reply: I note the contribution of the Hon. Taylor Martin. I have done a fair few calls for papers under Standing Orders 52 related to water, but the documents that I am asking for today are very different. The documents in relation to the funding of the Wyangala, Dungowan and Mole River dam projects are incredibly important. As the Hon. Penny Sharpe has said, we are discovering that the cost of those projects has quadrupled in the past 12 months. Based on the evidence that has been uncovered so far, a couple of projects are at least \$3 billion over budget—Dungowan and Wyangala. That is the top estimate so far that was buried in the call for papers at the end of last year. The water Minister was asked at the inquiry how much those projects are costing. Committee members directly asked the Minister but she did not respond.

Members are using SO52 in the upper House regarding water management because they cannot get answers from the Minister, public servants or WaterNSW. Calls for papers under Standing Order 52 are being moved by me and by other members on private members' days to get documents because the Government is giving us nothing. I have not called for these documents before but that needs to be corrected. I commend the motion to the House.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

TRADE UNIONS

The Hon. SHAOQUETT MOSELMANE (17:47): I will speak about the work of unions and their achievements in protecting workers and their families, but first I thank the Hon. Greg Donnelly for offering me his speaking spot. The Hon. Greg Donnelly is an honourable man and a real gentleman. He is a family man, a man of faith first and foremost, and a union man. His Shop, Distributive and Allied Employees Association [SDA] union protects retail, fast food and warehousing industry workers. If he had his way, he would fight every moment of every day for every worker across the State. In preparing this short contribution, I came across a page on the

website australianunions.org.au headed "Unions Achievements". It noted that just about everything good about people's working lives is because of unions. "We can back it," it boasts. Unions have been the backbone of working people in this State for generations. Because of unions, Australian workers continue to receive the respect and protections they deserve from greedy profiteers.

Unions in Australia have achieved much, including the right to annual leave. Paid annual leave was first given to workers after a campaign by printing workers in 1936, and that campaign continues to this day. Unions also helped to establish awards, which are legally binding documents that set out minimum entitlements for workers in every industry, underpinning pay and terms and conditions of employment. They are unique to Australia and are integral in ensuring that workers get fair pay for a fair day's work. Other achievements include penalty rates, maternity leave, superannuation and equal pay for women. Health and safety and workers compensation laws have helped enforce behaviour that ensures health and safety for workers. Then there is sick leave, long service leave, redundancy pay, shift allowance, uniform allowance, meal breaks, rest breaks and so forth. Then came enterprise bargaining—introduced in 1996—which allowed workers and their unions to negotiate pay and conditions directly with employers.

Protection from unfair dismissal is another achievement. Unions campaigned hard for such laws, which reflect the "fair go" principle. Today we campaign against wage theft and for wage justice. Unions are truly committed to workers and to leaving no-one behind. Unions NSW has developed a comprehensive directory for workers and their families called No Worker Left Behind. It is a great service that is available to Australian residents and to migrant and multicultural communities during the COVID-19 pandemic. It includes information on emergency food assistance, accommodation and housing, charities and NGOs, mental health services, education, immigration and so forth. One can only commend the people behind such great humanitarian initiatives—unions going beyond their roles to help those in need during troubled times.

In a speech on 10 February 2021 the Leader of the Federal Opposition, Anthony Albanese, committed Labor to a secure Australian jobs plan. The plan includes insertion of explicit reference to job security into the Fair Work Act, rights for gig economy workers through the Fair Work Commission, portable entitlements for workers in insecure industries, proper definition of casual work in law, a crackdown on cowboy labour hire firms to guarantee "same job, same pay", a cap on back-to-back short-term contracts for the same role, an end to inappropriate temporary contracts for public sector jobs, and government contracts going to companies and organisations that offer secure work for their employees.

I congratulate Anthony Albanese, Australian Unions and Unions NSW on keeping up the fight. Each of these achievements did not happen by accident; they were fought for by people who are committed to the rights of all workers. Without unions, some greedy employers would take workers down the path of exploitation and abuse. Today, we should be proud of these outcomes. We should continue to support our unions and our workers and we must continue to be vigilant.

MINING INDUSTRY

The Hon. ROD ROBERTS (17:51): I reaffirm my unequivocal support for the New South Wales mining sector. Particularly in the bush, mining has been vital for keeping afloat struggling communities during drought, bushfires and now the global pandemic. As someone who lives in regional New South Wales, I have witnessed firsthand the importance of mining for our rural communities. In fact, last year I had the pleasure of visiting Gunlake Quarries, an Australian-owned family-run business near my home town of Goulburn. Businesses such as Gunlake provide employment and training opportunities for young people in regional New South Wales—opportunities that they would otherwise miss out on.

Indeed, all over New South Wales mining and associated industries employ hundreds of young apprentice diesel mechanics, electricians, boilermakers and fitters and turners, to name just a few of the apprenticeships being taken up by young men and women in the bush. Many people have no idea of how much mining influences their day-to-day lives. I am sure many people would be surprised to learn that mining has a major impact on nearly every aspect of their daily life. In fact, the standard of living that we enjoy today relies on mining in New South Wales. We would be sitting here in the dark if carbon was not mined to provide the heat that generates steam in our coal-fired power stations, not to mention the iron, copper and aluminium in the transmission cables that deliver electricity to this building.

The Government's discounted energy-efficient lighting scheme would be impossible without the gallium, cerium, europium and terbium inside LEDs. More importantly, the Minister for Energy and Environment could not get to work without the lithium, cobalt and nickel in the battery of his much-vaunted electric car. Furthermore, the Minister's renewable energy road map would not be possible without mining, as mining provides the cadmium, tellurium, molybdenum, beryllium, germanium, silver and silicon that are used to manufacture the solar panels

popping up across the State. The electronics in the smartphones that I see some members using now instead of paying attention to the important things I am saying—

The Hon. Shayne Mallard: We're tweeting about you.

The Hon. ROD ROBERTS: Thank you. The electronics in those phones contain gold, copper, silver and tungsten. Even the food we eat would not be possible without mining. There is aluminium in drink cans and foil packets, not to mention the importance of mining in agricultural production. Phosphorous, nitrogen, potassium, sulphur and iron are used in fertilisers. Mining is vital to the health of the people of New South Wales, from the titanium and zirconium used in dental implants to the gold that is being used in cutting-edge nanotechnology. Without mining there would be no toothpaste, no sunscreen and no deodorant—a prospect that I am sure honourable members of this House would not be looking forward to after a particularly long day in this place.

This is just a quick snapshot of the importance of mining in our daily lives. On a larger scale, mining is the State's largest export industry by value. Mining in New South Wales directly employs 40,000 people and indirectly employs thousands more. Mining has a big role in small businesses, supporting over 7,000 businesses throughout New South Wales. It is going to be a long, slow haul to pull us out of the dire economic situation we currently find ourselves in. The Government's own *Strategic Statement on Coal Exploration and Mining in NSW*, released in June last year, emphasised the importance of coal in rebuilding the New South Wales economy.

If its own report recognises the benefits of coal mining to the economy, why is the Government pursuing an anti-coal agenda and forcing the early closure of the State's coal-fired power stations? Rather than supporting mining and recognising its importance to the economy, the Government is currently pursuing policies that kill the goose that lays the golden egg. One Nation is 100 per cent behind the mining industry and recognises the crucial contribution to the State's economy made by the men and women in the mining sector, who are often working in dirty, remote and hot conditions. Without these men and women, New South Wales would grind to a halt.

PROBLEM GAMBLING

The Hon. SHAYNE MALLARD (17:56): Over the past few years I have spoken many times in this Chamber about the harm caused by problem gambling. Last week saw the release of the Bergin report, which was the result of an 18-month inquiry into gambling giant Crown Resorts commissioned by the New South Wales Independent Liquor and Gaming Authority. It is a great credit to our State that our authority decided to examine the issues around Crown Resorts—which became evident from its activities in Victoria—whilst Victoria and Western Australia have turned a blind eye. Among the matters the report dealt with was the issue of prepaid gaming cards, which could help with problem gambling—which is what I am concerned about—but also, importantly, money laundering. Commissioner Bergin wrote:

The proposal has been the subject of some public debate and is not free from controversy. However, it appears that the very significant utility of the card to assist the problem gambler could not be in issue.

I do not think anyone disputes that. The commissioner continued:

It is also obvious that it would be a powerful mechanism to assist in combatting money-laundering—

by organised crime. Minister Victor Dominello, who has carriage of the issue in our Government, has said that the State Government will look at the report's recommendations in detail, including one of his proposals made last year for a government-issued gambling card for all poker machine players. Australians lose just under \$13 billion a year gambling on poker machines. It is estimated that 50,000 people in New South Wales have a gambling addiction and about five times that number are directly impacted by those people's gambling. We are talking about 250,000 to 300,000 people in this State who are directly impacted by problem gambling. The issue is too big to be ignored.

The New South Wales Government has committed to implementing the following gambling harm minimisation measures: improving currently inadequate exclusion schemes, including the roll out of third-party exclusions and forfeiture of prizes of excluded patrons; reducing gaming machine cash inputs from \$7,500 per machine to \$5,000; and continuing to roll out venue-based voluntary pre-commitment. Venues will be provided with guidance about what steps they can take, including using new and existing technologies such as facial recognition technology, which is in use at the casino. The Government is also considering requiring all gaming machines to be fitted with a card reader, and that a New South Wales gaming machine card, much like the Opal card, be issued to individuals. That card would need to be loaded up with cash from their accounts. That way excluded persons could not use a gaming machine. While self-exclusion schemes are available, it is often easy for excluded gamblers to access venues.

The 2019 NSW Gambling Survey found that in the past 12 months 2 per cent of gamblers tried to exclude themselves from a gambling venue, largely without success, through a formal self-exclusion process run by the venue. Of those 2 per cent of gamblers, 34 per cent had self-excluded from just one venue and 35 per cent had

self-excluded from three or more venues. Ninety-two per cent of excluded persons who attempted to re-enter those venues got back in. The system is failing. The passive approach to the gambling problem in clubs and pubs is failing. The ABC conducted a behind-the-scenes report taking a gambler to the venues that he had self-excluded from, and he got in to them all.

Under the proposed reforms, clubs and pubs would need to actively identify and assist gaming machine players who display problematic gambling behaviours. That is very much like clubs and pubs being proactive with people who have an alcohol problem. At the moment they only need to provide support to gamblers when someone specifically asks for help. It is proposed that venues will be required to take steps to stop an excluded person from entering or remaining in the excluded areas. A gaming card would be helpful to problem gamblers and also allow authorities to better track the source of money being gambled, which will help to avoid cash being laundered through poker machines in casinos, pubs and clubs.

This Government estimates that in New South Wales 20 per cent of the money that is put through poker machines—by that I mean card machines—is acquired from organised crime including, but not limited to, drugs, weapons and human trafficking. In the words of Minister Dominello, "Whilst cash remains in poker machines, so will organised crime." The COVID pandemic has shown how quickly businesses can adapt to changes in technology with contact codes and contact tracing. Why can they not do the same with technology when it comes to implementing a gambling card? Powerful lobby groups are being mobilised against this. As lawmakers, we need to do all we can to effectively prevent harm and a gambling card would help to do just that.

SNOWY VALLEYS ARBOUR FESTIVAL

The Hon. PETER PRIMROSE (18:01): After bushfires tore through many communities a little over a year ago, people faced the heartbreaking task of trying to rebuild their lives after devastating losses. For many that task is ongoing. But, like the bush itself, some green shoots soon started appearing in those communities. One I share with the House tonight is the Snowy Valleys Arbour Festival, in particular the final night last Saturday, which I was privileged to have been invited to attend, along with many others, including Kristy McBain, the Federal member for Eden-Monaro. The arbour festival was curated by Vanessa Keenan and her incredible team. It ran from 28 December to 15 February and so commenced exactly one year after the start of the Dunns Road fire. Mayor of Snowy Valleys Councillor James Hayes summed up beautifully what the arbour festival was all about. He said:

Last summer we had 50 days of fires, 50 days of tragedy, 50 days of loss, 50 days of unbearable heat and 50 days of heroes. One year on, at the Arbour Festival we have 50 days of reflection, 50 days of celebration, 50 days of renewal, 50 days of artistic talent, and 50 days of hope. Let's look to the future for renewal, rebuilding in this wonderful community of the Snowy Valleys.

Between the arbour festival crew and the Eastern Riverina Arts team, led by Executive Director Tim Kurylowicz, the community pride could readily be seen in what was being created, with everyone working together to achieve herculean tasks to ensure that the festival was successful. I put on record my appreciation and that of everyone who attended for the work of the artists, musicians, volunteers, staff, supporters, and all of the people who made this event happen.

The final event of the festival was held last Saturday night at the Pilot Hill Arboretum, when over 400 people enjoyed wonderful live music under a crisp and clear sky, including from Fanny Lumsden, Rory Phillips, Montgomery Church and William Crighton. We were also entertained by the talents of the Flying Fruit Fly Circus from Albury. People could also walk through and experience artistic installations, such as the magical *Understories* by Helen Newman, and *Containment Lines* by Robyn Veneer-Sweeney, which included gold lines on groups of trees—a reference to the Japanese tradition of repairing something broken with gold, often making it more precious than when it was whole. I finish my contribution by quoting from Vanessa Keenan and her inspirational views on why the festival was so important. Vanessa said:

On New Year's Eve in 2019, as we headed for the bunker while the Dunns Road fire bore down upon us, I heard that the same fire was also in Green Hills and the Bago State Forest. Three weeks after the fire, we got word that the stunning Pilot Hill Arboretum miraculously survived the flames. Nearly all the trees received some fire damage, but very few were destroyed. Shortly after this news, while the fire was still burning, Tim got in touch and said, "You need to do this. It's needed even more now than before", and he convinced me we should do it. And so, along with making the dream a reality, he came up with "Arbour Festival" and we set out on a path to find the funds to make it a reality. I am so thankful to the incredible group of people who had faith in this mad idea and helped make it a reality for the people of the Snowy Valleys after such a horrendous year.

We were all entertained. We were all inspired. Thank you for your energy, your creativity and your resilience.

FACEBOOK

The Hon. CATHERINE CUSACK (18:05): We all woke up this morning to the shocking news that Facebook had done a sweep of all Australian user accounts, deleting information we posted with links to media posts. We found our media organisations had all their content deleted. As the day wore on it turned out that vast

tracts of non-media content had already been deleted for Australian Facebook users: fire and rescue information; children's cancer services; trade unions; small businesses; candidates in the West Australian election, including the Leader of the Opposition. Poof! It was all deleted. Most incredible of all, three days before the rollout of the COVID-19 vaccine, hospitals and health departments had their content and capacity to post deleted by Facebook.

This gobsmacking action by Facebook as a result of trying to avoid regulation requiring them to pay for professional media content, which they are currently using for free, has united Australians across politics. Labor Premier Mark McGowan has described the Facebook CEO as behaving like a North Korean dictator. Liberal Minister for Health, Greg Hunt, has said he was profoundly shocked that ACT Health, Queensland Health, SA Health, Dementia Australia and Bowel Cancer Australia had been entirely stripped of content. The Minister said, "The fact that the Kids Cancer Project could be affected is frankly a disgrace." In Victoria, Liberal leader Michael O'Brien has been one of many politicians randomly caught by the ban. The Victorian Minister for Health, Martin Foley, said:

Anything that removes credible and reliable information sources in the midst of a global pandemic is beyond regrettable and needs to be fixed.

Some headlines report *Facebook is now Fakebook* because credible news stories that have been the subject of editorial policies and fact-checking—basically the information Australians need to have informed views—is precisely what is being stripped by Facebook, leaving available a mass of misinformation and conspiracy theories that have created so much social difficulty, particularly in the United States, where fake news is fuelling hatred and violence.

Facebook has spent years telling us it is too hard to remove incorrect and incendiary posts. But in Australia we find that overnight they can delete our entire credible media, without any warning, leaving rubbish misinformation untouched. It has been rightly described as an attack on our democracy. Facebook has been arguing that it should not have to share the profits it makes out of credible media content. That goes back quite some time and it has been noted that it was in October last year that Facebook altered its conditions of service specifically for Australian users.

I do not think any of us realised, but that important change was made to allow them to go through and strip content with an algorithm, which is obviously what has occurred today. This action has been premeditated and pre-planned by Facebook. The extraordinary attack on content is all about avoiding regulation. The comments coming out of the United States require clarification. During the Senate inquiry two assistant US trade representatives, Daniel Bahar and Karl Ehlers, made a submission calling on the Federal Government to suspend plans to make Google and Facebook pay for local news feeds:

The US Government is concerned that an attempt, through legislation, to regulate the competitive positions of specific players ... to the clear detriment of two US firms, may result in harmful outcomes.

I was stunned that they would intervene in what is not just a matter for the Federal Government but a matter that the Federal Parliament is legislating at the moment and that has very strong cross-party consensus. This is something that Australians want to see for the health of our democracy. I do not want to be lectured by the United States about how to take care of our democracy. I think that Australians are the ones who are best placed to do that. I note that the chair of the relevant congressional committee in America today has deplored the actions of Facebook. It is a mixed message coming from the Americans. But this is very much a matter for Australia and we have been targeted. I endorse the comments of Greg Hunt. I consider this to be an assault on our country and our democracy. Facebook has only been able to do it because we have trusted it too much, and assumed too much about it. We must learn our lesson and never be vulnerable like this again.

TRIBUTE TO SHARON MOUNTAIN

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (18:10):

I make a contribution to honour a dear friend and colleague. Sharon Mountain was a joy to be around and to work with. She made everyone laugh in what was often a challenging situation. She loved her patients and they really loved her. I had the great privilege of working with her in the oncology unit at Cooma hospital. Shaz's reputation preceded her from theatre. She was well respected and spoke her mind, especially if it involved advocating for her patients; she was never to be ignored! I take this from Sharon's eulogy by her daughter, Jane:

Nursing was more than a career to Sharon; it was her identity. She was a proud theatre nurse through and through and in each workplace, Sharon contributed enormously to the education and development of younger and less experienced staff that needed guidance and support. She was passionate about teaching and mentoring. Sharon was so much fun to have at work; she was cheeky, reliable and knowledgeable. When the shit hit the fan, she was the best one to have in the room.

I can definitely attest to that. She was such a force for fairness and a force for good. One of Sharon's lasting legacies will be in her constant support of other staff working with her. She was a fierce advocate for ensuring that work practices were safe and that nurses were nurtured and supported so that they could carry on the high

expectation of clinical practice that she championed in every way. She was fearless in her advocacy. Sharon had to retire early due to her illness, which was a hard thing for her to do. She was not ready for it and neither was the health system. I loved Sharon; I really did. She was a huge support to me. Although I have no idea what her politics were, she only encouraged me to go for it and celebrated with me when I got here. I know we differed on things. Our views not always in unity. But she was a mate, a good mate, and someone I will and do miss terribly.

Sharon would say she was horrified at my speaking about her here tonight, but I also know she would be secretly chuffed. The world is made such a better place by those who give so much of themselves for others, and that was Sharon. As Jane said, "She has left so much goodness behind." I loved cups of tea at her place and watching her with her beautiful grandson, who she shared such a special bond with. I think we all just valued being around her. She made you feel good, which is such a gift. I thank her daughter, Jane, for allowing me to speak about her mum in this place. Thanks for being you, Shaz, for spreading your magic dust wherever you went, for your fearless advocacy and your dedication and love for a profession that was so fortunate you came along. I know I speak on behalf of all staff at Cooma hospital and all those patients you touched. We love you to bits, Shaz. Rest in peace.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:15 until Tuesday 16 March 2021 at 14:30.