



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 17 March 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 17 March 2021

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

The PRESIDENT read the prayers.

Sessional Orders

EVIDENCE

The Hon. ADAM SEARLE (10:02): On behalf of Mr David Shoebridge: I move:

That, during the current session, Standing Order 222 regarding evidence in committees be varied to read:

222. Evidence

- (1) A committee is to take all evidence in public unless the committee decides otherwise.
- (2) An answer must be directly relevant to a question.
- (3) A witness before a committee is to be given the opportunity of correcting their transcript of evidence, but corrections must be confined to verbal inaccuracies or explanations of answers. Corrections in substance can only be made by further giving of evidence.

Motion agreed to.

Members

DISCLOSURE OF INTERESTS

The Hon. MARK PEARSON (10:03): On behalf of Mr David Shoebridge: I move:

- (1) That the President and the Clerk work to develop a system so that Legislative Council members' pecuniary interest returns are available online, via the Parliament website, in a readily searchable format, in time for the next round of disclosures.
- (2) That all parties commit to work together to make it compulsory to have an online searchable format for pecuniary interest disclosures for all members in both Houses a requirement under the Constitution (Disclosures by Members) Regulation 1983.

Motion agreed to.

Motions

WORLD DOWN SYNDROME DAY

The Hon. PENNY SHARPE (10:04): I move:

- (1) That this House notes that:
 - (a) Sunday 21 March 2021 is World Down Syndrome Day;
 - (b) World Down Syndrome Day is a global awareness day which has been officially recognised by the United Nations since 2012; and
 - (c) it is estimated around 15,000 people with Down syndrome live in Australia.
- (2) That this House congratulates Down Syndrome NSW, Down Syndrome Australia and everyone in New South Wales with Down syndrome who has organised events and celebrations for World Down Syndrome Day.
- (3) That this House celebrates the many advocates with Down syndrome who fight to make their voices heard.

Motion agreed to.

JUDE BYRNE

The Hon. PENNY SHARPE (10:04): I move:

- (1) That this House notes with sadness the death of Jude Byrne, a tenacious advocate for people who use drugs, who died on 5 March 2021 after a short illness.
- (2) That this House further notes that:
 - (a) Jude Byrne was a devoted campaigner who was dedicated to fighting against the stigmatisation and marginalisation of injecting drug users around the world;
 - (b) Jude was instrumental in founding the Australian Injecting Drug Users' League, a Federal peak body that works to represent people who use drugs across Australia and ensures their voices are heard;

- (c) Jude was also a founding member of the International Network of People Who Use Drugs [INPUD], which represents people who use drugs in international forums, including the United Nations;
 - (d) Jude also provided important guidance to the NSW Users and AIDS Association, to help them grow into the important harm minimisation, education and advocacy organisation they are today; and
 - (e) Jude's powerful tenacity and advocacy will be sadly missed by her community, though her legacy will continue through those she has mentored in the movement to continue her work.
- (3) That this House passes on its deepest condolences to Jude's family and community, including all injecting drug users who had their voices elevated through Jude's important work.
 - (4) That this resolution be communicated by the President to the family of Jude Byrne, the Australian Injecting Drug Users' League and the NSW Users and AIDS Association.

Motion agreed to.

MARCH 4 JUSTICE

The Hon. EMMA HURST (10:05): I move:

- (1) That this House notes that:
 - (a) on 15 March 2021, over 100,000 people attended March 4 Justice protests around Australia to express their anger at the flood of recent reports of sexual assault by political staffers, and to call for an end to sexism, misogyny and lack of equality in politics and the broader community;
 - (b) outside Parliament House in Sydney, women spoke about their own experiences of sexual harassment in the workplace, some of which are alleged to have occurred while working as a staffer in New South Wales Parliament;
 - (c) it is 2021, and women have a right to go to work without the threat of violence or discrimination; and
 - (d) enough is enough.
- (2) That this House calls on the Government to acknowledge the misogyny that still exists within parliaments around Australia, and to work to ensure New South Wales Parliament is a safe place for all women to come to work.

Motion agreed to.

GREEK NATIONAL DAY

The Hon. COURTNEY HOUSSOS (10:05): I move:

- (1) This House notes that:
 - (a) Greece's National Day is celebrated annually on 25 March, the same day as the Feast of Annunciation;
 - (b) 2021 is the bicentenary of the beginning of the Greek revolution that led to the creation of the modern Greek state; and
 - (c) many events will be held around the world to mark this landmark bicentenary; however, the COVID-19 pandemic has severely restricted the commemorations and celebrations that were planned.
- (2) That this House:
 - (a) congratulates Greece and the Greek community, especially in New South Wales, on their National Day and the bicentenary of the beginning of the Greek revolution of 2021;
 - (b) affirms that the cordial relations between Greece and Australia are based on our common values of democracy, freedom, mutual respect, tolerance and peaceful settlement of disputes; and
 - (c) thanks the Greek community in New South Wales for their tenacity, hard work and determination—key attributes that led to their success during the Greek revolution—in building our modern State in New South Wales.

Motion agreed to.

RACISM NOT WELCOME CAMPAIGN

The Hon. PETER PRIMROSE (10:06): I move:

- (1) That this House notes that:
 - (a) the alarming rise of incidents of racism in Australia and our local community;
 - (b) recently a racist letter was targeted at local government councillors of Chinese-Australian heritage elected to the local council areas of the City of Sydney, Georges River and Cumberland. One of the councillors to receive this racist letter includes Cir Kun Huang; and
 - (c) the Inner West Multicultural Network has developed the "Racism Not Welcome" campaign in response to increased incidence of racist acts in our communities.
- (2) That this House applauds the local councils that have endorsed this campaign, which so far include Inner West, the City of Sydney, Ryde, and Waverley councils.
- (3) That this House applauds the civil societies across New South Wales involved in this campaign.

- (4) That this House commits to being a part of the Racism Not Welcome campaign.
- (5) That this House calls on the Leader of the Government and Leader of the House to initiate steps to have "RacismNotWelcome" signs installed around the parliamentary precinct in the lead-up to the International Day of the Elimination of Racial Discrimination on the 21 March 2021.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 16 March 2021.

The PRESIDENT: I call the Hon. Greg Donnelly to order for the first time. I call the Hon. Greg Donnelly to order for the second time.

Business of the House

POSTPONEMENT OF BUSINESS

Mr JUSTIN FIELD: I move:

That business of the House notice of motion No. 1 be postponed until 23 March 2021.

Motion agreed to.

Mr DAVID SHOEBRIDGE: On behalf of the Hon. Abigail Boyd: I move:

That business of the House notices of motions Nos 3 and 4 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

That business of the House notice of motion No. 6 be postponed until the next sitting day.

Motion agreed to.

Announcements

MEMBERS' CODE OF CONDUCT MOBILE PHONE APP

The PRESIDENT (10:11): Honourable members who attended the briefing from the Clerk and Parliamentary Ethics Adviser last year on the revised members' code of conduct may recall that we mentioned a new resource on the code to be made available as a mobile phone based app. Since then staff of both Houses have worked with the EdApp company to produce this app consisting of short five-minute modules, with interactive questionnaires and colourful images. I encourage all members to download the app as it is a very effective way to become familiar with the requirements of the new code agreed to by both Houses in 2020. There is also an app available on members' entitlements, with work beginning on a third resource for members shortly. Staff from EdApp will be available near the level 7 lift in the lobby from 11.00 a.m. until 12.30 p.m. today to provide assistance to members in downloading the app. The Privileges Committee will also send an email to all members with a one-page guide on how to receive the app.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the order of private members' business this day.

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES (10:13): I move:

That the order of private members' business for today be as follows:

- (1) Private members' business item No. 1013 standing in the name of the Hon. Mark Latham relating to the South32 Dendrobium Extension Project Approval Bill 2021.
- (2) Private members' business item No. 1073 standing in the name of the Hon. Adam Searle relating to a referral to the Independent Commission Against Corruption regarding the land purchase by Country Garden at Cawdor and the Premier.

- (3) Private members' business item No. 1091 standing in the name of Mr David Shoebridge relating to an order for papers regarding Strike Force Wyndarra.
- (4) Private members' business item No. 61 standing in the name of the Hon. Mark Banasiak relating to the Real Estate Services Council Bill 2019.
- (5) Private members' business item No. 988 standing in the name of the Hon. Natalie Ward relating to 100 years of Rotary.
- (6) Private members' business item No. 1095 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding Monaro Farming Systems.
- (7) Private members' business item No. 1102 standing in the name of the Hon. John Graham relating to an order for papers regarding the ministerial directive on tree clearance zones.
- (8) Private members' business item No. 1060 standing in the name of the Hon. Emma Hurst relating to crush videos.
- (9) Private members' business item No. 1087 standing in the name of Ms Abigail Boyd relating to addressing sexual harassment and assault.
- (10) Private members' business item No. 1092 standing in the name of the Hon. Mark Buttigieg relating to New South Wales health workers.
- (11) Private members' business item No. 1041 standing in the name of the Hon. Courtney Houssos relating to a further order for papers regarding School Infrastructure NSW 2019/20 Works in Progress Summary reports.
- (12) Private members' business item No. 1086 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding before and after school care and vacation care.
- (13) Private members' business item No. 1100 standing in the name of the Hon. Sam Faraway relating to a condolence motion for Councillor Lilliane Brady, OAM.
- (14) Private members' business item No. 1098 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding the Water Management (General) Amendment (Emergency Works Exemption) Regulation 2021.
- (15) Private members' business item No. 1103 standing in the name of the Hon. Rod Roberts relating to the Cootamundra Gundagai Regional Council.
- (16) Private members' business item No. 1072 standing in the name of the Hon. Adam Searle relating to the non-commencement of the Modern Slavery Act 2018.
- (17) Private members' business item No. 1085 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Rural and Remote Incentives Review.
- (18) Private members' business item No. 860 standing in the name of the Hon. Robert Borsak relating to the Government Sector Finance Amendment (Government Grants) Bill 2021.
- (19) Private members' business item No. 1055 standing in the name of the Hon. Mark Pearson relating to a condolence motion for Helen Marston.
- (20) Private members' business item No. 1066 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding bushfire reports by Noetic.
- (21) Private members' business item No. 1064 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Eastlakes Shopping Centre.
- (22) Private members' business item No. 1105 standing in the name of Mr Justin Field relating to an order for papers regarding the sustainable yield review and Natural Resources Commission advice.
- (23) Private members' business item No. 831 standing in the name of the Hon. Natalie Ward relating to National Nutrition Week 2020.
- (24) Private members' business item No. 1040 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Mr Brad Burden.
- (25) Private members' business item No. 1075 standing in the name of Hon. Adam Searle relating to an order for papers regarding budget estimates briefing folders.
- (26) Private members' business item No. 1074 standing in the name of the Hon. Adam Searle relating to an order for papers regarding emails from the Premier.
- (27) Private members' business item No. 1090 standing in the name of Mr David Shoebridge relating to an order for papers regarding transmission and connection lines for Snowy 2.0.
- (28) Private members' business item No. 1097 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding koala State environmental planning policies.
- (29) Private members' business item No. 1089 standing in the name of the Hon. Adam Searle relating to an order for papers regarding land or property sales or disposal targets.
- (30) Private members' business item No. 1065 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Alexandria Park Community School enrolments.
- (31) Private members' business item No. 839 standing in the name of Ms Abigail Boyd relating to Anti-Poverty Week 2020.

- (32) Private members' business item No. 1025 standing in the name of Reverend the Hon. Fred Nile relating to the Public Health Amendment (Vaccination Compensation) Bill.
- (33) Private members' business item No. 1101 standing in the name of the Hon. Sam Faraway relating to the Australian Street Art Awards 2020.

I indicate that it has been agreed that private members' business items at paragraph Nos 2, 3, 5 to 12, 14 to 17, 19 to 31, and 33 will be considered in the short form format.

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

Motion agreed to.

Sessional Orders

ELECTION OF PRESIDENT

The Hon. ADAM SEARLE (10:18): I move—

The Hon. Mark Latham: Point of order: I seek a ruling as to whether it is in order for this to be placed before the House. I submit to you that if it is a breach of parliamentary privilege to restrict a member of Parliament from doing something they think they need to do, surely it logically follows that it is also a breach of parliamentary privilege under this resolution to make a member of Parliament do something they do not regard to be a legitimate part of their parliamentary duties. Any motion surely breaching parliamentary privilege in this fashion should be ruled out of order.

The Hon. ADAM SEARLE: To the point of order: There is no point of order. I do not believe the proposed sessional order has the effect contended for by the Hon. Mark Latham, and that the matter is well within order. This House is the master of its own destiny. This matter should be debated and should be determined by the honourable members in this place

The PRESIDENT: I indicate to members that I thought about this last night and conferred with the Clerk. I do not believe that what the Hon. Mark Latham states in his point of order relates to this motion. This motion does not go—if I can use the words—as far as he is indicating. There is no point of order. The motion is in order.

The Hon. ADAM SEARLE: I move:

That during the current session Standing Order 12 be varied to read:

12. Election of President

- (1) Whenever the office of the President becomes vacant the Clerk will act as Chair of the House for the election of the President, and will have the powers of the President under the standing orders while acting.
- (2) A member, addressing the Clerk, will propose to the House as President a member then present, and move that the member take the Chair of the House as President. The speech of the member proposing the motion and of any other member may not exceed 15 minutes.
- (3) If only one member is proposed as President, the member proposed is declared elected without any question being put.
- (4) If two or more members are proposed as President, a motion will be made regarding each such member, that the member take the Chair of the House as President. Each member so proposed may address the House.
- (5) On taking the chair the newly elected President will express a sense of the honour proposed to be conferred on them.

This matter arises in the context when the House is called upon next week to choose a new Presiding Officer. It occurs in the context of the fact that since the election there have been substantial changes, formal and informal, to the way this House conducts itself, conducts question time and the issue of budget estimates. In that process of fleshing out the operation of those new procedures, the President has been called upon to make a number of important rulings regarding the privileges of the House and the relationship between the House and the Executive.

The purpose of this variation to Standing Order 12 is to ensure that the House has the opportunity to choose as the Presiding Officer the person it feels is best placed by reason of temperament, experience, technical expertise but also outlook as to the rights and privileges of the House vis-a-vis the Executive Government. It has been a tradition at different times and different places that seeking the office of Presiding Officer has not always been how Presiding Officers have been chosen. If one goes back far enough to the House of Commons in the Middle Ages, being the Speaker of the House of Commons was something that people did not want to do. In fact, potential Speakers tried to flee the premises before they were dragged into office to avoid the ire of the monarch, who might of course take action against them.

The point here is to ensure that the House has before it the full range of choice opportunities in terms of choosing the Presiding Officer the House and its members, or at least a majority thereof, feel best represents the

will of the House and the outlook of the House as to the way in which the House should conduct itself and conduct itself in relation to Executive Government. That is not done out of any disrespect to potential candidates but it is to ensure that the House and its members have the fullest opportunity in that regard.

Some very slight changes are proposed. At the moment members have to use a verbal formulation, which signifies that they submit themselves to the will of the House. That means to signify that they are a candidate, that they accept a nomination and that they embrace the contest. Obviously, they can do that, but there should not be any obligation on members to do that. If the House chooses a person to occupy the position of President, they have to be willing to serve and they have to step into the chair. That is the moment at which their choice is engaged, but only after the House itself has expressed its will and has made its choice clear.

I do not believe the proposed sessional order infringes in the way the Hon. Mark Latham indicates. I do not think it does any harm to parliamentary practice or tradition, but it does vary that tradition. By varying the standing order it interrupts the conventions that have applied to the nomination process and to the election process. It does that in a measured and balanced way, but also a clear way. If this sessional order is adopted, members of the House may nominate candidates. We do not seek through this motion to deprive any candidate of the opportunity to address the House, should they choose to do so. That is not what this does, but it removes any obligation on a person nominated to address the House or to make any signifier, and that would enable the House itself to make its will known through any contested ballot, should there be more than one candidate nominated.

Given the advances made in the operation of this House in the last two years, I think this is a sensible and balanced innovation. It is a way the House can express its will without the usual strictures of party politics. This House still has to make a choice and a majority of the members will still have to make a choice, but members should only have to make that ultimate decision once the House has expressed its will. That is an important step for us to take here, given the substantial changes, formal and informal, to the way in which the House now operates in a range of ways, whether it be question time, committees or rulings that the Presiding Officer has made about where the dividing line is, for example, between Standing Order 52 and Standing Order 53, and other matters that the current President has been called upon to decide.

This House needs to have the opportunity to choose as its Presiding Officer going forward the person who it feels it has confidence in, in a technical sense. Because, let us face it, this House is full of robust debate and big personalities and often, as befits a House of Parliament, things can get pretty rowdy. The Presiding Officer needs the temperament and the technical skills about making rulings, but the House should also have the right to choose a person whom in its view—or at least the view of the majority—best represents the ethos of the House in its new configuration. That is why we have moved this motion today. We bring it forward today in a timely way before any issues arise next week, so that the rules of engagement—if I can put it that way—or the ground rules can be clearly laid out for all. We do so in a way that we think represents a sensible and measured evolution of the deliberations of this House. I will not say anything further at this stage. I assume I have the right of reply?

The PRESIDENT: Yes, you do.

The Hon. ADAM SEARLE: I will listen carefully to the contributions of other honourable members and reserve anything further I have to say at that point.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:27): That was one of the most mealy-mouthed packs of nonsense that I have heard in this Chamber in 22 years. That was just unbelievable. To stand up like that and with all seriousness say that this sessional order is about one of many changes that we have made of a similar magnitude in this Chamber during this term just beggars belief. I have seen some hospital passes from central casting, but this is one of the best. We all know what is happening here. The drowning Leader of the Opposition in the other place has said to—

The Hon. Adam Searle: Point of order: I understand the Leader of the Government is exercised by this debate, but he does himself and the Government no credit by his conduct.

The Hon. DON HARWIN: Telling the truth.

The Hon. Adam Searle: No, by impugning a member of the other place who has no role in this debate.

The Hon. DON HARWIN: I have not impugned her; I just said she is drowning. That is in the newspapers.

The Hon. Adam Searle: You are attacking a member of the other House otherwise than by substantive measures.

The Hon. DON HARWIN: No, I am not. I am just stating facts.

The PRESIDENT: Order!

The Hon. Greg Donnelly: Be nice.

The PRESIDENT: Exactly. I like that. Be nice. That applies to everyone, including the Hon. Greg Donnelly. This is a serious debate. There is no doubt about it. I can see that it is going to be an emotional debate. I will ask three things; firstly, while the Leader of the Government was speaking there were numerous interjections, which does not help to reduce the robustness of a member's contribution. It started with the interjections. When the Leader of the Opposition spoke there were no interjections whatsoever. He was given the right to be heard in silence; the Leader of the Government has exactly the same right. I remind members that imputations and reflections on any member—whether in this House or the other House—are disorderly at all times.

The Hon. DON HARWIN: It is one of the worst kept secrets in this House that the Hon. Adam Searle has been given an instruction to make sure—

The Hon. Adam Searle: Point of order: I have been given no instruction.

The Hon. DON HARWIN: Tell the truth, Adam.

The Hon. Adam Searle: I am telling the truth, Don. I have been given no instruction. Obviously this is being put forward by my party, by myself as the Leader of the Opposition, but there is no instruction. The Leader of the Government should address himself to the issues in the motion.

The Hon. DON HARWIN: I clearly am.

The Hon. Adam Searle: I wish you would, rather than engaging in this cheap abuse.

The PRESIDENT: On the point of order?

The Hon. DON HARWIN: No. I am sorry, Mr President, but I am entitled to stand.

The PRESIDENT: I have no problem with that. I thought you were seeking the call.

The Hon. Adam Searle: You are impugning me by suggesting that I am acting under dictation, Don.

The PRESIDENT: I ask the Leader of the Government to be relevant to the aspects of the motion. The Leader of the Government has not yet reflected or made imputations on the Leader of the Opposition but he is coming very close to that.

The Hon. DON HARWIN: It is no secret that Opposition members are under riding instructions to ensure the choice that Government members make in their joint upper House party meeting next week loses. They want to see the Premier take a loss on something, given the situation the Opposition finds itself in at the moment where its supporters would prefer to have Gladys Berejiklian as Premier than their own leader. That is the reality. We know that they are in all sorts of trouble. They want to bloody the Premier's nose, and that is what they are seeking to do through this process. The reality is that I am getting feedback from—

The Hon. Penny Sharpe: Point of order: I have listened very carefully to the Leader of the Government. He is not being directly relevant at all in relation to this motion. This motion is a sessional order for how the upper House conducts itself. It has got nothing to do with his political commentary.

The Hon. DON HARWIN: To the point of order: The context in which this sessional order is being moved is entirely relevant to its discussion.

The PRESIDENT: There is no point of order. The Minister is being relevant. I allowed the Leader of the Opposition wide latitude in moving the motion, which referred to a number of matters. The Minister has the right to respond to those matters and related matters.

The Hon. DON HARWIN: I have been given feedback that some members of this House have said they will not be dictated to by the Premier as to who the President should be. The reality is that Government members have not made a decision as to whether they will have a candidate or who that candidate will be. Certainly Liberal Party members have taken a view that they would like to see another Liberal Party member contest it, but that decision will not be made, as is the convention of the Coalition parties, until we have a joint upper House party meeting next week and decide who the presidential candidate will be. Let us just knock that on the head right now.

The decision as to who we—should we decided to do it—support for the presidency will be a decision taken by members of this House. I do not want to canvass what the Premier might have said in the joint party room earlier in the week, but I feel entirely comfortable in assuring the House that that is entirely consistent with her view. Let us just make that quite clear. The mechanism that is being proposed by the Leader of the Opposition

in this sessional order is that a nominee for the presidency not be required to accept the nomination. The convention since the Constitution Act was changed—following the 1988 State election and after the 2004 "plain English standing orders", as they were known, were brought in under Meredith Burgmann's presidency, as a result of the work of the Procedure Committee while I was a member—has always been that members, if they are accepting the nomination, are asked to state their position by indicating that they submit themselves to the will of the House. That is the formulation. I actually feel there should be an obligation to submit to indicate that one is prepared to take on the job.

Mr President, you and I know—I will not speak for the Hon. Peter Primrose—to be President requires strength, character and integrity. I believe that someone who wants the position should be prepared to say they want it, and to say that they are prepared to be not only the House's master but also the House's servant. That is very important. I feel quite strongly that it is wrong to move away from the convention that we have had in this Chamber since the first election after that change to the Constitution Act was made, which was for the election of the President after the 1991 State election. I do not believe the case has been made for change. I think all of the circumstances surrounding this sessional order deprive this of any legitimacy, and I strongly urge honourable members not to support it.

The Hon. MARK LATHAM (10:37): One Nation will not be supporting this change to the sessional order because it believes it is fundamentally antidemocratic. Every democratic ballot is conducted on the basis that your name appears on the ballot paper if you have accepted the nomination. You have been nominated and signed off to accept that nomination. None of us got here because of a process out there in the electorate where they made you run for Parliament. This place is still voluntary. Members accept the nomination to come here, just as to be the chair of a committee—as I am privileged to do with education. I accepted the nomination for that role. Every person here accepts the nomination before their name appears on a ballot paper.

How can we have a system whereby a person is shoehorned with a gun put to their head to say, "You must do this; you must nominate for that?" It is fundamentally antidemocratic. I would maintain my earlier argument that it breaches the privilege that members cannot be restricted from doing the things they need to do in the discharge of legitimate parliamentary duties. Equally, it must follow that members cannot be forced into doing something they regard to be not a legitimate parliamentary duty. The majority of members in this Chamber make a deliberate choice—and I have made this choice—to participate in the Parliament in debate on the floor and vote, which obviously one cannot do from the chair.

Mr President, it seems bizarre to me that there would be any prospect of this motion being carried. My understanding is that the Labor Party could nominate someone to be the President, and they have a very good chance of being elected. But that party has made a decision that it would rather have its 14 members participating in debate on the floor and voting. If that is their rule, why inflict a different set of rules on an unnamed member of Parliament on the Government side, Trevor Khan, who apparently is going to be shoehorned into the position by a formal motion without the need for him to actually accept the nomination. I regard this as not only antidemocratic but also a breach of privilege that reduces this Chamber to a farce.

The Leader of the Opposition gave us a little bit of history of why Speakers in the lower House and Presidents are reluctantly dragged to the chair. Here is an example of coercion where they are dragged into the chair following their election. The practice goes back to the House of Commons—that much is true—where seven Speakers were executed by beheading between 1394 and 1535. So 500 years ago they would behead the Presiding Officer because the king did not like the message that the Presiding Officer brought forward from the Parliament. Are we really now making sessional orders according to the beheadings of the sixteenth century?

The Leader of the Opposition's whole proposition is just ridiculous. For many years, probably decades or even centuries, we have had a system whereby a member who is nominated for office stands in their place and says, "I accept the nomination," and then runs. It is clearly democratic to do it that way instead of what is, essentially, a political tactic—if I may raise that point—to do something tricky in manipulating who will follow. Mr President, if this motion is carried I put it to you it is a compelling reason why you should stay in the office and reverse your decision to leave. If you leave here you only have the unhappy fate of watching St George every weekend, and we will all suffer from that.

The PRESIDENT: I take it the Hon. Mark Latham is not moving an amendment to the motion?

The Hon. MARK LATHAM: No, I am not. I am raising an alternative to this proposition and, in my opposition to the motion, I am raising what could be a logical consequence for the Chamber if we were foolhardy enough to pass this proposition. I know the Opposition is interested in these motions. I get the feeling that the Leader of the Opposition has picked up the wrong folder—this is probably the motion to get rid of Jodi—but he has brought it here and it should not be carried by this Chamber.

The PRESIDENT: Mr Latham, I indicated earlier that imputations should not be made against members. That was clearly an imputation against the Leader of the Opposition in the other House.

The Hon. MARK LATHAM: I withdraw the comment.

The PRESIDENT: For the balance of the debate I ask again that reflections or imputations against other members in either House not be made.

Mr DAVID SHOEBRIDGE (10:41): Mr President, I might first deal with that last argument about you staying. I can indicate that the best argument for you staying in the office is that I think it was six former Speakers of the House of Commons who lost contact with their head, but it only happened when they left office. If there is a compelling argument for you to remain in the chair, I believe it is that. I indicate that The Greens support the motion moved by the Leader of the Opposition and we do so for a number of reasons. The first and most compelling reason is that this motion, as best as possible, takes party politics out of the decision about who will be the President.

The role of this House, and especially as the role of this House has developed over the last decade, has been to become a House that is increasingly independent of the Executive and increasingly a House that holds the Executive to account. That places the President in a particular position where often the rulings of the President in supporting the powers and privileges of the House come into conflict with the will of the Executive of the day, in this case the Premier and the Cabinet of the day. That has happened repeatedly. Therefore The Greens believe there is a powerful reason to have as little involvement in terms of party nomination and party allocation of the position of President as is possible.

Indeed there are a number of qualifications to be a President of this House. The first is character and experience but the other requirements in terms of being a President of the House are one of the most compelling reasons now, given the nature of the role, to not have an overt and open ambition for further high political offices in the government of the day. I say that because if you are the President, if you uphold the powers and privileges of the House, that will come into conflict with your partisan ambition to hold further high office within the government of the day—inevitably, given the role that the House has adopted. The other critical issue, from The Greens perspective, so far as the person most suited for the position of the presidency, is having a record of supporting the powers and privileges of the House, because that has become increasingly important.

I will not canvass in any great detail the other arguments about why you should not be requiring the overt acceptance of a nomination other than to say a couple of things about the Government's argument. The Government refers to this great noble history and it refers to a convention since 1991, which is one of the least compelling arguments about parliamentary convention when you are talking about a Westminster system that dates back in one form or another at least 600 or 700 years. The Government points to a history from 1991, which is one of the least compelling arguments I have heard.

Finally, there are very good reasons why the House should be in control of its own destiny and the House, rather than political parties, should be appointing the Presiding Officer. I say that because inevitably there will be times, as I said earlier, where the role of the President will come into direct conflict with the President's own personal political ambitions. I and The Greens believe that the concept of someone being unwillingly placed in the position of the presidency but willing to accept the will of the House is a powerful argument. The Presiding Officer must be willing to accept the will of the House—to take on the job notwithstanding its impact on their partisan positions.

That is why we see the example of the Speaker in the House of Commons and the Speaker in other Westminster systems being unwillingly dragged to the office, being unwillingly dragged to the seat and to take the role. The specious and angry arguments from the Government have been unpersuasive. I find it surprising that the Government is now saying that it does not have a chosen nominee. It is an open secret that the Liberal Party has a chosen nominee. It has been in the media and it has not been disavowed.

The PRESIDENT: Order!

Mr DAVID SHOEBRIDGE: It has been decided, all bar the vote. The Government has a nominee. It has been in the media and now the Government is seeking to disavow it. I will tell the Government a good way of disavowing it: Make a comment.

The PRESIDENT: I ask Mr David Shoebridge to resume his seat. On two occasions I called to order the Hon. Greg Donnelly for his continued interjecting. I indicated previously that members should be heard in silence. It is very disappointing when Ministers commence to interject. I do not want it to appear that I am in a sense playing favourites. Interjecting will cease. I call the Hon. Bronnie Taylor to order for the first time. I call the Hon. Damien Tudehope to order for the first time.

The Hon. Damien Tudehope: With all due respect, Mr President, I did not interject.

The PRESIDENT: On that basis, I withdraw the call to order. Order! I always accept the word of a member and I apologise to the Hon. Damien Tudehope if I thought he had.

The Hon. Damien Tudehope: Thank you, Mr President.

The PRESIDENT: That call to order is withdrawn. I thank the Hon. Damien Tudehope for bringing it to my attention. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: It has been reported in the story from the State political reporter at *The Sydney Morning Herald* that the Premier has determined who will be the Liberal Party's nominee for the position of presidency and it has not been disavowed. There has been no rejection of it and no public statement. It is just sitting there, uncontested, until we saw this mock political anger from the Government of the day. It is interesting to see that of all the issues in State politics at the moment—inequities, dealing with the pandemic and major concerns across the political spectrum; things of real substance for this House to deal with—the thing that has got the Liberal Party most excited is about whether or not their nominee gets the presidency. That is the thing that has got them excited. That is what has got the Leader of the Government interjecting and carrying on like a pork chop—only about whether or not an office is available.

The Hon. Bronnie Taylor: Point of order: That was a most unparliamentary comment and I ask that it be withdrawn.

The PRESIDENT: I call Mr David Shoebridge to order for the first time. That was completely unnecessary. I remind the Leader of the Government that he should not be interjecting. I call the Hon. Don Harwin to order for the first time.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:49): I move an amendment to the motion:

That the question be amended by omitting paragraphs (3) and (4) and inserting instead:

- (3) A member proposed as President must indicate to the House whether they accept the nomination.
- (4) If there is only one member proposed as President who has accepted the nomination, the member is declared elected without any question being put.
- (5) If there are two or more members proposed as President who have accepted the nomination, a motion will be made regarding each such member, that the member take the Chair of the House as President. Each member so proposed may address the House.

The PRESIDENT: Can I confirm that the amendment omits paragraphs (3) and (4) and inserts instead (3), (4) and (5)?

The Hon. DAMIEN TUDEHOPE: Yes.

The PRESIDENT: Thank you.

The Hon. DAMIEN TUDEHOPE: The compelling arguments of the Leader of the Government and the Hon. Mark Latham on this matter are overwhelming. No-one should submit themselves for office without first having indicated that they accept the position to which they are being nominated. It is fundamental to the way that institutions should work. Those persons who are being nominated for that office should be given an opportunity of saying that that is an office which they aspire to and, in the circumstances of the wording used in this House in all humility and the like, that they accept that position.

Mr David Shoebridge made an observation that a person elected to the chair who may seek other higher office makes them someone who would be ineligible for the position of President. He predicates that on the basis that this is all about a question of integrity. That flies in the face of the nomination and that the Government would ever be electing people who lack integrity. There is a fundamental contradiction between the description of the office as someone who has got a level of gravitas, experience, integrity and someone who would act to uphold the traditions of this House and then impugning their integrity by suggesting that they may or may not have aspirations to higher office. I think that is a serious slur on—

Mr David Shoebridge: Point of order: I do not believe the Minister is intentionally misrepresenting my comments, but my point about seeking a future office was that the motion gets rid of that concern about the conflict in duties between the President and further political ambition. It does not go to character; it just points out the inevitable conflict. It is not a suggestion that I have ever made about the putative nominee. Government members can make their angry interjections like they are continuing to do, but it is simply not what my proposition was.

The Hon. Don Harwin: To the point of order: I think Mr David Shoebridge's point of order could best be characterised as a debating point. The substance of what the Hon. Damien Tudehope was saying was a point that was in fact quite fair. I certainly took Mr David Shoebridge's remarks as implied criticism of me; I do not know how the Hon. Peter Primrose felt. I was deeply upset about it and I apologise for interjecting. Perhaps I should have just taken a point of order on him.

Mr David Shoebridge: To the point of order: It is valid to take a point of order about a misrepresentation and the Minister was misrepresenting me. As best as possible, removing the conflict of interest should be one of the considerations for a presidency.

The PRESIDENT: The House needs to get on with the matter. There was no point of order but I allowed Mr David Shoebridge to put on record what he believed he meant. The Minister has dealt with it and the debate will continue without any more back and forth.

The Hon. DAMIEN TUDEHOPE: What motivates this motion today? Mr David Shoebridge has belled the cat. There was a newspaper article suggesting that there was a potential nominee on the Government side and it is not someone that those opposite potentially like or want.

The Hon. Penny Sharpe: Do not make an imputation.

The Hon. DAMIEN TUDEHOPE: We have to ask ourselves, what motivates the bringing of this motion today? In the words of the Leader of the Government, those opposite are playing partisan politics by using mealy-mouthed words to dress up a motion on the basis of protecting the dignity of the House, that we are moving in different times and that we have had lots of developments and standing orders and the like. I get all that. Let us not beat around the bush. The reality is that this is a partisan approach to amend the standing orders to potentially deliver an outcome that the Government does not want. That is it. If we vote for this motion today, we are voting for a motion along partisan lines. We will see how the vote goes; it will be along partisan lines. That will indicate to everyone that this motion is designed to potentially usurp any decision which the Government may wish to make about its candidate.

The motion is clever but in one sense it is a bit disappointing for the Opposition to go down this path and go to whatever ends are necessary to make sure that a candidate is elected who does not even have to accept the nomination. The Leader of the Opposition made the observation that the elected person could decline the position before taking the chair. I am not so sure that is right. In my view and in my respectful submission to the Leader of the Opposition, it would require the elected President to in fact resign and send a letter to the Governor. They would get to the chair and have to say, "No, I do not want to be in this position." It could leave the House in a position where on Wednesday afternoon, with the President having resigned, the Clerk will be running the House.

The Hon. Adam Searle: Are you dissenting from that proposition?

The Hon. DAMIEN TUDEHOPE: I was going to say, I look forward to an opportunity to have a dissent motion relating to a decision made by the Clerk, but that is the reality. If we subvert the current practice and if the Leader of the Opposition's proposal is accepted, we could be placed in a circumstance where a person elected could place the House in a vacuum by refusing and immediately resigning the position. For proper and good practice, it would be much better for the subject of the ballot to only be the people who want to put their name forward for nomination. They are my submissions.

The Hon. ROBERT BORSACK (10:59): I have listened with great interest to the debate on the Leader of the Opposition's motion. The Shooters, Fishers and Farmers Party supports the motion, and the reasons for that are quite simple. Since the last election this House has demonstrated a level of activism in terms of self-determination. On the basis of the numbers, the arguments and the debate, members of the House will decide what they want to do. The Government in the other place does not control this House. Since I have been a member there has been very good development in changes to sessional and standing orders that have made this place a truly effective House of review, whether it is in relation to extended budget estimates, how bills are selected or what goes to committee—the list goes on and on. I am sure that there is a lot more we can do in this space after the next election, should we decide to and the numbers stack up.

This motion is an opportunity for members of the House to decide who they want nominated. Who their nominee is and how they decide to deal with the nomination is up to them. The Government would like to have a nominee and that is fine, but at the end of the day the Government does not tell the Shooters, Fishers and Farmers Party what to do. If it does not have the numbers in this place, the Government should not be telling members what it is going to do. The members in this place will decide how this issue will be handled. This is not an exercise in clever dick politics. This is an exercise in self-determination to create a House that will hold the Executive to account, and putting the choice of the members of this House in the chair will be the best way to do that.

Mr President, you must realise that you are the reason for this motion. I thank you very much because it has given members an opportunity to think about how to handle this situation in the future. The Government wants to continue with past tradition but times change and we form new traditions. The Shooters, Fishers and Farmers Party supports the motion unamended.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:02): I make a brief contribution to the debate largely to associate myself with the eloquent remarks of the Leader of the Government, the Leader of the House and the Hon. Mark Latham. It has been fascinating to hear members talk about how they should have the power to decide what they want in this regard. They have spoken about the integrity and character of the House. Well, that already exists under the current standing orders. Members can nominate, a nominee can accept, members can vote and the nominee with the most votes wins. There is no issue with the current standing orders that would prohibit members from choosing who they want to serve in the role of the President.

Past practice has shown that members have got it right. Since I have been a member there have been some great Presidents: yourself, Mr President; the current Leader of the Government; the President when I was first elected, the Hon. Amanda Fazio; and, of course, the Hon. Peter Primrose. The idea that we need to change Standing Order 12 to allow members to elect the right person is disingenuous and for that reason I disagree with the premise of the motion. It is not good practice to have a process in place where a nominee does not have to accept a nomination. I have never seen that in any political sphere. All members know how things work; we know when politics are at play. The current sessional orders provide the proper and appropriate procedures to elect a President and there is no need to alter them for this election.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:03): I need to call something out in this debate. But firstly I echo the comments of the Hon. Sarah Mitchell about the fact that sufficient provisions exist already in the standing order. All members know what is at play here. Sometimes it would be easier if everyone was honest and spoke the truth. I cannot accept and I was very disappointed to hear the contribution from Mr David Shoebridge, whom I have always had enormous respect for. It is an absolute disgrace to make accusations that the amendment is about saying a member who seeks the position should not be an ambitious person who is looking to attain higher office. For someone I have always held respect for, he then referred to an article that clearly indicated a very competent woman, who has integrity and experience, as a possible candidate. To question her in this place in this week of all weeks is absolutely abhorrent.

The PRESIDENT: I make the following clarification. If the amendment as moved by the Leader of the House deleting paragraphs (3) and (4) and inserting (3), (4) and (5) is agreed to, that would mean that paragraph (5) of the Hon. Adam Searle's motion would become paragraph (6).

The Hon. SCOTT FARLOW (11:05): I support the amendment moved by the Leader of the House. I am against the motion moved by the Leader of the Opposition. The Leader of the Opposition would have members believe that this is a part of the Westminster tradition that goes back to Charles I where the Speakers are reluctantly dragged to the chair. If members look at the current provisions in Westminster, they are in line with what the Leader of the House has proposed. Standing Order 1B (3) (b) of the House of Commons states:

Each nomination shall consist of a signed statement made by the candidate declaring his willingness to stand for election accompanied by the signatures of not fewer than twelve nor more than fifteen Members ...

The election for the Lord Speaker requires that members nominate themselves in order to be eligible to stand. Many times in this debate we have heard about the House being the master of its own destiny, but members need to be the masters or mistresses of their own destiny as well. The amendment moved by the Leader of the House makes that possible while still abiding by the traditions of this House and the Westminster.

Ms ABIGAIL BOYD (11:06): I make a brief contribution in support of the motion and support the statements that have been made regarding the House being in control of its own destiny. That is a very important aspect of this debate. Unfortunately, political realities are not always reflected in the sessional orders. That is why it was necessary to create a situation where members of the House could more easily determine the next President. I will reflect on the comments made by the Hon. Bronnie Taylor. If that was her interpretation of my colleague Mr David Shoebridge's statements, I am quite surprised. I would similarly be shocked if that were my interpretation.

What my colleague meant, I believe, is simply if a person is at the end of their career as a member of a political party and they have been appointed a Minister—or whatever it is they wanted to achieve—and they have no further ambitions within their political party, it is much easier to accept that that person will be independent in the role of the President. That was all that was being said. His comments were not a reflection on individual nominees and it was absolutely not a reflection on someone's gender. If a member of The Greens expressed such a sentiment I would be horrified, but Mr David Shoebridge did not. I wanted to correct that misinterpretation.

I support the motion because the role of the President should not be a political position. It is a position that requires that person to uphold the rules of the House.

The Hon. ADAM SEARLE (11:09): In reply: I start by addressing myself to the amendment proposed by the Leader of the House. The honourable member would be unsurprised to learn that I do not support the amendment, but I thank him for putting it forward. It is quite clear what my motion does; I have been very open about that. It removes the obligation of any person nominated to have to formally accept that nomination. So much is clear. The Hon. Scott Farlow, whom I thank for his contribution, clearly was not listening to all of my contribution because, although the inspiration for the motion may well have come from history, I acknowledged very clearly that we are not just changing the formal rules; we are also changing and abrogating the conventions. The Opposition accepts that.

I thank the Leader of the House for putting forward his amendment. The interplay between his amendment and the original motion will make the will of this House on these matters very clear one way or another and put them beyond any doubt in time for next week. I thank the Hon. Scott Farlow, the Hon. Bronnie Taylor, the Hon. Robert Borsak, the Hon. Mark Latham, the Leader of the Government, the Leader of the House and the Hon. Sarah Mitchell—the leader of the National Party in this place, as well as the Deputy Leader of the Government—for their contributions. The debate is significant because it represents a change to the rules and conventions that have been in place since 1991. I put this beyond doubt: Neither I nor my party in this place are acting under the dictation of any person outside this Chamber. This has nothing to do with our view of the Premier or indeed any person in the other place. This matter is being debated on its merits here today.

Many people in this place will know that conversations about this matter have been going on for some time, so it is not a recent thing. Of course, this is the first opportunity to put it to the House because we have had budget estimates hearings for the past three weeks. The proposed sessional order restricts the rights of no member. It infringes no rights, privileges or liberties of any member in this place. What it does is widen the possible range of choices for this House and its members in choosing the next President. Ultimately any member has to embrace the presidency if elected. Whether I am right or the Leader of the House is right about whether a person elected would have to then resign, ultimately it is a matter for that member's free choice at that point. Members will always retain the right. This House is the master of its destiny, and all of us here serve the House. That is not a bad place to start. It is important to make this change so that the House has that option.

I note that the Leader of the House said—I think I have this right—that this is somehow involved in the decision the Government may have to make regarding its own candidate. I know there has been some discussion about this. Obviously, it is a matter for the Government if it puts forward a candidate. I note that a newspaper report has suggested that there may be a preferred candidate but the Leader of the Government says that that has yet to be decided. That may be so, but this House should have the right to choose a person whom it feels is best placed to continue the changed outlook, rules and ethos that we have established since the last election. We should have the right to choose the person we think is best placed to carry on that work. That is not a slight or an impugnation of any other candidate who may be put forward. I make that very clear.

I make the point that I did not understand Mr David Shoebridge's contribution to be a slight against any person. I think Mr Shoebridge was saying that members of this House, in making a choice about the new President, may have in their minds as a relevant factor whether a person politically still has miles on the clock to go. Members may say it is not relevant, and maybe it will not be for some members; equally, for other members it may be a relevant consideration. These changes make it an option for those members and for this House. The Opposition does not support the amendment put forward by the Leader of the House. I ask honourable members to embrace the sessional order that I have proposed, unamended. If the amendment of the Leader of the House is rejected and my motion is carried, the will of this House for next week is put beyond any doubt.

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

The House divided.

Ayes 19
Noes 22
Majority 3

AYES

Amato
Farlow
Harwin
Maclaren-Jones (teller)

Cusack
Farraway (teller)
Khan
Mallard

Fang
Franklin
Latham
Martin

AYES

Mason-Cox
Roberts
Ward

Mitchell
Taylor

Nile
Tudehope

NOES

Banasiak
Buttigieg (teller)
Faehrmann
Houssos
Mookhey
Pearson
Secord
Veitch

Borsak
D'Adam (teller)
Field
Hurst
Moriarty
Primrose
Sharpe

Boyd
Donnelly
Graham
Jackson
Moselmane
Searle
Shoebridge

Amendment negatived.

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

Leave not granted.**The House divided.**

Ayes22
Noes19
Majority.....3

AYES

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

Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
Franklin
Harwin

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

Mitchell
Nile
Roberts
Taylor
Tudehope
Ward

Motion agreed to.*Committees***PRIVILEGES COMMITTEE****Report: Citizen's Right of Reply (RSPCA NSW)**

The Hon. PETER PRIMROSE (11:37): I move:

That the House adopt the report.

I will not speak to the motion. This matter has been carefully considered by the Privileges Committee. I tabled the report yesterday and I ask for the support of the House.

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

Motion agreed to.

Pursuant to standing orders the response of the RSPCA NSW was incorporated.

RSPCA NSW contends that our reputation has been adversely affected by allegations made in the House by the Honourable Mark Pearson MLC on 12 November 2020. We refer to the Hansard record for that date at 21:26 at which time Mr Pearson is recorded inter alia as follows:

I advise the House that I have recently seen and heard a video which can be found at <http://www.farmtransparency.org/wally> [sic - <http://www.farmtransparency.org/wally>], password: feedlot, which, in my opinion, even though it is in broken sentences, is prima facie evidence to establish that Wally Perenc engaged in bribery in relation to the withdrawal of the piggery charges. This is a very serious matter and I call on the police to investigate it. What is extraordinary is alongside this evidence of bribery, there is recent audio and vision which records Wally Perenc engaged in even more egregious infliction of suffering. ...

... The recorded conversation certainly implies that Wally Perenc was engaged in bribery in order to have the 53 charges withdrawn. It is a matter of public record that all the piggery charges were dropped just prior to the deadline under the statute of limitations for commencing a prosecution. This led to the fact that no other enforcement agency such as the police [sic - police] could take over carriage of the case.

The 'Wally's Piggery' prosecution has been the subject of ongoing complaints regarding RSPCA NSW conduct by Mr Pearson, who now alleges that 7 minutes of edited video footage of unknown (and possibly unlawful) provenance is evidence of bribery.

We understand that in accordance with Standing Order 203(3)(b) the Committee will not judge the truth of statements made either in the House or in this submission.

RSPCA NSW asks to have recorded in Hansard the following reply in respect of the allegations made by Mr Pearson:

1. The video referred to by Mr Pearson does not provide prima facie evidence that RSPCA NSW accepted a bribe from Wally Perenc to withdraw charges before the NSW Local Court.
2. With the protection of parliamentary privilege, Mr Pearson made allegations which damage RSPCA NSW's reputation and are defamatory.
3. RSPCA NSW takes allegations of animal cruelty very seriously and prosecutes hundreds of charges of animal cruelty every year in accordance with the Prevention of Cruelty to Animals Act 1979 (NSW).
4. RSPCA NSW would never commence or terminate a prosecution, except in accordance with available evidence, and cognisant of appropriate prosecutorial obligations.
5. This issue has been raised in Parliament on a number of occasions. RSPCA NSW has always maintained (including in response to supplementary questions received in a parliamentary inquiry chaired by Mr Pearson in March 2020)⁽¹⁾ that appropriate prosecutorial conduct of this matter required the withdrawal of charges before the Court.
6. There were three named defendants the subject of the 'Wally's Piggery' complaint, Mr Perenc, a corporation and another natural person.
7. The charges before the Court related to offences that occurred on or prior to 3 August 2012. The limitation period therefore expired on 2 August 2013. The charges were withdrawn on 17 November 2014, which post-dates the expiration of the limitation period by some 14 months. Even were that not the case, there is no capacity for NSW Police to take up charges initiated by another law enforcement authority.

RSPCA NSW's reputation has been unfairly damaged because of the assertions made by Mr Pearson in the Hansard excerpts above.

⁽¹⁾ RSPCA New South Wales, RSPCANSW response to supplementary questions and questions on notice, Legislative Council Select Committee on Animal Cruelty Law in NSW, 12 March 2020, <https://www.parliament.nsw.gov.au/committees>, p 23.

Bills

SOUTH32 DENDROBIUM EXTENSION PROJECT APPROVAL BILL 2021

First Reading

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

Second Reading Speech

The Hon. MARK LATHAM (11:38): I move:

That this bill be now read a second time.

The South32 Dendrobium Extension Project Approval Bill 2021 breaks the shameful silence of the major parties about the future of steelmaking in New South Wales. The bill fulfils the wishes of the Department of Planning, Industry and Environment to grant consent for the South32 Dendrobium mine extension and allow the planning

Minister to issue appropriate development conditions and environmental safeguards. The bill overturns the 5 February decision of the Independent Planning Commission [IPC], consistent with the views of Deputy Premier John Barilaro that this coking coal extension in the Illawarra must go ahead.

Without high-quality coking coal there can be no steelmaking by BlueScope Steel at Port Kembla. The equation is simple: iron plus carbon equals steel. Let me repeat that for those subscribing to the myth of green steel from the BlueScope blast furnaces: iron plus carbon equals steel. Let me say it again for those MPs, like the member for Wollongong and his green committee co-chair from this place, Mr David Shoebridge, trying to con the workers of the Illawarra that they have a future in so-called hydrogen steel: iron plus carbon equals steel.

Unless we make steel in New South Wales we cannot make anything else. We cannot have manufacturing in a decent industrial base in New South Wales. To make steel, BlueScope relies on quality coking coal from the South32 Dendrobium mine. Indeed, this is one of the three basic reasons we have steelmaking at the mighty historic site in Port Kembla: access to the port bringing in iron ore, access to the east coast consumer market in steel and access to the rich near perfect coking coal of the Illawarra. Take away the resource access and you take away the financial prospects of BlueScope steel into the future. Without the Dendrobium mine extension, they will have to import coking coal from Queensland at the international parity price—a huge cost burden on this company.

This is on top of other financial pressures at Port Kembla such as woke investors pushing them into expensive green credits from a useless investment in the Wagga Wagga solar farm, having to employ a climate change manager to placate the likes of Matt Green, a \$600 million to \$700 million cost in fitting out blast furnace 6 at Port Kembla as blast furnace 5 comes to the end of its natural life, and the mother of all cost burdens, the energy costs for BlueScope Steel in New South Wales are twice those of the steel plants in the United States. That is such a compelling piece of data: to make steel in New South Wales the energy costs are twice those of the BlueScope's operations in the United States. How can a company survive in our State if it is denied its essential coking coal resource from the South32 Illawarra mine plus pay double the energy costs paid in overseas locations in competitor plants?

This is why the 5 February decision of the Independent Planning Commission by the incompetent Stephen O'Connor and John Hann was so reprehensible that it must be overturned, which the bill seeks to do. The two commissioners rejected the clear compelling evidence of BlueScope Steel that the company needs Dendrobium coking coal to secure its long-term future in the Illawarra. It again confirms the shocking arrogance and incompetence of the IPC under the leadership of Mary O'Kane. How can those two green commissioners—one a failed local government consultant and the other a junior town planner—claim to know more about BlueScope Steel and its future resource needs than the company itself? The arrogance is breathtaking. One only needs to go to the article published on the ABC website for the hearings at the IPC, and I quote:

BlueScope Steel has backed the expansion of a coal mine in New South Wales, saying the project is "critical" to the survival of its Australian operations.

The head of BlueScope representing the company at the hearing said:

We consume up to three million tonnes of coking coal per annum, and over 80 per cent of this supply comes from local Illawarra coal mines.

They are the words of John Nolan, the BlueScope chief executive. He continued:

South32 supply around two-thirds of our coking coal requirements and we support their proposed extension of the Dendrobium mine.

The future success of BlueScope's Port Kembla steelworks—the largest manufacturing site in Australia—continues to rely on access to competitive, local [coking] coal supply.

Incredibly this evidence from people who know how they run their own company was rejected by the IPC. It is a compelling reason why we need this legislation: to ensure that the mine extension goes ahead and that steelmaking in New South Wales remains viable through access to the essential coking coal resource. This arrogant and incompetent decision by the IPC comes on top of other decisions of equal incompetence at Rocky Hill and Bylong Valley when the IPC displayed its bias against coal. It comes on top of the Keystone Cops routine at Rix's Creek in the Hunter Valley in October 2019 when in the space of a week the IPC issued an approval, then said it was invalid and then approved the mine extension for a second time. How has this Government placed the future of jobs and economic growth in the New South Wales resource sector in the hands of these people who make Laurel and Hardy look like rocket scientists?

What does that say about the investment environment in New South Wales when major international companies like the South Korean firm Korea Electric Power Corporation [KEPCO] have walked away from our State? KEPCO was strung out by the IPC on its Bylong Valley investment. It was actively given the impression its project would be approved and then dudded by this hopeless commission, resulting in the loss of thousands of

potential jobs for New South Wales. On top of that, there was the debacle at United Wambo where the IPC illegally, unconstitutionally, tried to tie the coal exports from the mine to Paris Agreement nations. The New South Wales Government has no control over export powers, which belong to the Commonwealth under section 51 of the Australian Constitution. The IPC should have been abolished at that point for acting illegally. Instead, the best the Government has done was to promise the territorial limits bill. The planning Minister, Rob Stokes, gave his second reading speech 18 months ago on 24 October 2019 and then did nothing. It has not come to this Chamber to make it law. Minister Stokes said at the time:

... there are no applicable State or national policies requiring New South Wales coal projects to minimise or offset downstream emissions that occur overseas.

Scope 3 emissions are not to be a valid consideration for New South Wales development assessments yet that is one of the grounds on which the IPC has refused the South32 mine extension. It is completely unbelievable that the IPC would ignore, indeed reject, the advice of executives of BlueScope Steel who know how to run their own company and who know their future resource needs. It is using the argument of scope 3 emissions to knock back South32 when we know, and it has been pointed out to the IPC, that is not a valid and constitutional consideration for the commission. It now leaves us in a disgraceful situation. Just as New South Wales has no jurisdiction over policing schooling, health or community services in other States, we have no jurisdiction over environmental impacts in other States, Territories and nations. Our planning laws should spell out this obvious restriction and the IPC, in this case and others, should abide by the Australian Constitution and the law of the land.

The failure of Minister Stokes to proceed with his territorial limits bill has now put at risk thousands of jobs in the Illawarra in the IPC Dendrobium decision. This is the ultimate delusion of grandeur by the two commissioners: to image they can save the world from climate change by destroying steel-making in the Illawarra. What a corrosive, counter-productive decision, especially when we see it from an international perspective. The data is crystal clear. Australia produces five million tonnes of steel each year, three million from BlueScope in the Illawarra. China produces 200 times that amount—one billion tonnes from blast furnaces. It is a massive expression of that irresistible equation: iron plus carbon equals steel. How illogical can the IPC be in thinking that hurting BlueScope will have any real impact on China and its carbon emissions. In fact, the IPC decision on scope 3 emissions set out in its South32 judgement will embolden and assist China, strengthening its competitive position globally.

John Barilaro is right in saying that the IPC is a failed, ideologically driven and extremist body that should be abolished. The bill overturns the IPC decision in the Illawarra and restores a commonsense planning proposition that jobs must come first with concerns about water supplies addressed in the development conditions imposed by the planning Minister, which would be the normal way we conduct business and these developments in New South Wales. Coming out of the COVID-19 economic recession we must encourage investment in our State, not kill it. When Labor says that we need to make more things in New South Wales, we need to acknowledge this can only happen if we continue to make steel in the Illawarra, and the steel in the Illawarra relies on the essential coking coal resource. When the Government says, "We need to cut red tape and streamline the development approvals process", we need to start with the resource sector.

Late in 2019 I sat through a presentation on what a New South Wales mining company needed to do to expand its operation. It was in a meeting room onsite near Singleton in the Hunter Valley. The mine manager explained to me the steps required for final approval under New South Wales planning and environmental laws. I have to say that I thought the presentation would never end. It just went on and on and on, hoop after hoop after hoop, tangle of red tape after tangle of red tape to try to get an approval. It was like watching the scene in which Rowan Atkinson plays the fastidious shop assistant in *Love Actually*. I felt like screaming out, "What are you going to do now? Dip it in yoghurt?" It went on and on and on. The red tape and barriers to investment in this State from the IPC downwards are just phenomenal and such a handbrake on investment, jobs and economic opportunity in our State.

The bill that is now before the Chamber approves the Dendrobium mine extension consistent with the views and assessment of 11 of the 13 government agencies involved in the extensive 19-month process. The other cruel thing about these decisions is how companies are strung out over 19 months while 11 of the 13 government agencies deliberate. Instead of thinking, "Here's a really good chance for investment to go forward", the mining companies are knocked back at the last hurdle. It is cruel, not just on the investors but most particularly the workers. The Department of Planning, Industry and Environment said the project was approvable and that is what the Parliament should now say to overcome the failure of the IPC.

In early February the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade, Mr Barilaro, said, "Today's decision has the potential loss of 750 mining jobs, 3,000 steel jobs and \$10.7 billion annually to the economy. But I'll fight this decision. I'll stand with the coal workers. I'll stand with the steelworkers. I'll stand with the communities of Wollongong and the Illawarra." Unfortunately, today the

Government is not standing with anyone. The Government is not standing up against this decision. We have waited weeks and weeks for a Cabinet resolution to overturn the IPC. We have waited weeks and weeks now for legislation to come forward to overturn this faulty decision of the IPC. We have waited for a mandate to say it is a State-significant development, which can be approved internally by the Government, but none of these things have happened.

Unfortunately, the Government has gone through its usual pantomime—a routine whereby the Deputy Premier says sensible things in favour of jobs, economic growth and working families, but then the green Liberals come out and overrule him with their God complex, thinking they can save the world with minor emission reductions in New South Wales. Senior Ministers, the Premier, Gladys Berejiklian, Rob Stokes and the environment Minister, Matt Kean, have said they are standing by the IPC decision. This is the pantomime we get time after time to the detriment of our economy. The Deputy Premier will come out and say, "I am standing with the coalminers. I am standing with the steelworkers. I am standing for jobs", and then the majority of the Cabinet, the green Liberals, come out and say they are standing by the IPC.

This bill stands for economic growth, investment, and jobs and investment certainty to allow the project to go ahead. Unfortunately, on the non-government side of the Parliament, the once great Labor Party that stood for an industrial base in New South Wales has acquiesced. I am old enough to remember the members that the Labor Party used to produce from the Illawarra and Hunter who by now would be screaming from the rafters about the resource security for making steel in New South Wales. But instead, from today's Labor Party, we have not heard a peep of support for overturning the IPC decision. This bill puts Labor on the spot to vote for jobs, an industrial base and a growing economy coming out of the COVID recession, and to say, "Sure, we want to make things in New South Wales but we can't make anything unless we make steel. We can't have steel out of the Illawarra unless we have resource security."

The member for Wollongong and shadow Minister for Natural Resources, Mr Scully, has had no greater strength and commitment on this issue despite tens of thousands of jobs at stake in his own electorate than hitting the IPC with a feather. He said that the decision has caused uncertainty. Well, hello! Of course it has caused uncertainty. Stand up and fight for jobs to end the uncertainty. That should be the job of the member for Wollongong. All those industrial Labor members in years gone by would have done it straightaway. They would not have rung somebody up and said, "What can I say about this?" "Oh the best you can do is just talk about uncertainty and try to get yourself off the hook."

It is a disgrace given that 14,000 jobs in the Illawarra are at stake—750 in mining, 3,000 in steelmaking and 10,000 directly in the supply chain and related industries. Yet Labor and Liberal will not fight for the 14,000 jobs. In their vision of a carbon-free world, blue-collar workers are dispensable. The net-zero policy of those political parties will take 25 per cent off economic growth in New South Wales over the next 13 years and for them the blue-collar jobs, yet again, are dispensable. From the green North Shore Liberals and the Leura Labor Left, regions like the Illawarra are too dirty and deplorable to defend, so the elite sell them down the drain time after time. The Liberal-Labor green coalition is sending New South Wales to 100 per cent renewable energy, which is a big bonus for manufacturing jobs in China.

One of the disgraces attached to the IPC decision is that our State does not have a single manufacturer of solar panels and wind towers—not a single manufacturer. If we go 100 per cent renewable energy, then it is a bonus for jobs and manufacturing in China and other nations from which we import the solar panels and the wind towers. We cannot do anything about this in New South Wales in terms of building up a solar panel and wind tower manufacturing base unless we have steel and unless we have BlueScope to provide the essential input to those manufacturing activities. The chain reaction of the IPC decision denying the resource to BlueScope Steel and denying BlueScope Steel the chance to assist the manufacturing base in New South Wales is disastrous and guts the economy at many levels—mining, manufacturing and most particularly hardship in the Illawarra.

This is a serious time for job creation in New South Wales and it should be based on serious people making serious decisions. I note that the Government has appointed Craig Memery to the so-called Renewable Energy Sector Board. He has tweeted how we should close down the New South Wales economy every Monday to cut carbon emissions by one-seventh. How can anyone put in charge of job creation a person who wants to close the economy, with disastrous consequences, for one-seventh of the week? When the Labor member for Wollongong will not fight for coking coal, steelmaking, mining and manufacturing jobs in his electorate, we are at five minutes to midnight for the deindustrialisation of our State. That is the truth of what is happening here. Decision after decision is adding to deindustrialisation.

In this Parliament we will hear people talk about hospitality jobs, restaurant jobs, arts jobs and gig economy jobs, but who is talking about mining and manufacturing jobs in a meaningful way? That is in this bill, which needs to be supported by the House. Unfortunately, we are moving closer to the prediction of the Hon. Mick

Veitch—of New South Wales as a lifestyle economy and nothing more than that with no depth in mining and manufacturing. It is just a lifestyle economy of cafes, restaurants, art galleries—

The Hon. Walt Secord: Hairdressers.

The Hon. MARK LATHAM: —hairdressers for those who need them, and nothing more than that. The major parties talk about hospitality and tourism jobs, arts and cultural jobs, public service jobs—they will be on the agenda of the unions knock on the door of the Opposition—and, of course, gender jobs get a big run in this place, but never mining and manufacturing jobs. The future of New South Wales steelmaking is at stake and the stakes are very high. This bill is needed to give it a viable future. The facts are clear. I have outlined those previously. How can Liberal, Labor and The Greens stand by and watch steelmaking in New South Wales collapse? It is in trouble, even if we move away from blast furnaces. If you go to Sanjeev Gupta's investment in the electric arc furnaces, he is in trouble because of the collapse of Greensill's finance. He has 2,000 employees in New South Wales mainly based in Rooty Hill and Newcastle. So at every turn steelmaking is under pressure in New South Wales, which is all the more reason for the Parliament to pass this legislation.

The facts are very clear. Unfortunately my understanding is that at the moment the South32 board is walking away from the investment. We have to understand that time after time the decisions from the IPC downwards, combined with the faulty and lack of support from Cabinet Ministers, result in investors walking away saying, "New South Wales is an impossible place in which to invest." KEPCO did that in relation to the Bylong Valley and now South32 is walking away, looking at other countries and other jurisdictions away from New South Wales in which to invest its money. What a tragedy for a State that was once proud of its industrial base. What a tragedy for parties that argued in Parliament for industrial jobs, manufacturing and for making things and doing things in a meaningful way to build our economy and give working families the security they need to stand up time after time for something that has sadly become unfashionable—blue-collar jobs. Blue-collar jobs are a glorious and beautiful thing that need to be supported at every level. On that basis and with very adept timing, I commend the bill to the House.

Debate adjourned.

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

Questions Without Notice

EDUCATION REFORM

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. What is the Government's response to the findings of the Gallop inquiry report *Valuing the teaching profession; an independent inquiry* and will it implement them?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00): I thank the honourable member for his question about the Gallop report. As many members would know, we had members involved in that inquiry at Parliament House yesterday and a number of members attended that event, which was put on by the New South Wales Teachers Federation and hosted by me. I was there for most of it but I left for question time. It was a good opportunity for the members to hear from Dr Geoff Gallop in particular as the chair of that inquiry. He went through the findings of that paper and some of the recommendations.

I also had the opportunity to sit down with the New South Wales Teachers Federation almost two weeks ago to have an initial conversation in relation to that inquiry, the report and its recommendations. There is quite a bit of alignment between some of the issues that have been raised in the report and work that the Government already has underway in reforming the education space. I was asked about that in the House not long after the report was introduced. I think I made a comment that when I read the report, it did not tell me any issues that I did not already know because they are the kind of issues that have been canvassed with me by the New South Wales Teachers Federation and by teachers and principals when I visit schools as well.

In relation to what we can do to improve issues around teacher workload, the intensity, the complexity and the type of work that teachers do in the classroom in 2021, as I often say, schools are microcosms of our society and we are seeing increased complexity in our school communities because we are seeing that in our broader community as well. We are already doing work to help reduce teachers' and principals' administrative burden in particular and we are trying to reduce some of that red tape. Part of that will be covered through our School Success Model, which we are already implementing. As part of that School Success Model a target will be set for the department to reduce the administrative burden on our teachers and our school communities by 20 per cent. We are looking at ways to build on the work that we have already done to reduce the time that teachers need to

spend on red tape because we recognise that that is an area that needs improvement. I think that was something that was very clearly articulated in the Gallop report as well.

Then there is the work that we are doing around curriculum reform—looking at what we can do to streamline the curriculum, looking at those syllabus documents, and making sure that we free up time for teachers to teach and to focus on teaching and learning. Again, that aligns with the evidence that came from that New South Wales Teachers Federation inquiry conducted by Dr Gallop. In addition, having a better work-life balance for our teachers was also something that Dr Gallop raised when he was at Parliament yesterday. I have spoken in the House previously about some of the work that we are doing in the digital space to save time and give teachers more opportunity to use up-to-date technology, particularly in our rural and regional schools. There is a range of work already underway and much more to come.

HAMILTON THE MUSICAL

The Hon. SHAYNE MALLARD (12:03): My question is addressed to the arts Minister. Will the Minister update the House on major musical productions in New South Wales?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:04): There is so much I could say. It was great to be "in the room where it happened" this morning when I joined the Premier, Minister Stuart Ayres, Michael Cassel and Jeffrey Seller to mark the beginning of *Hamilton* in Sydney.

The Hon. Walt Secord: The Government almost lost it.

The Hon. DON HARWIN: It was never in doubt. Sydney is the only place in the world right now where audiences can see *Hamilton* and tonight the curtain goes up on one of the most talked about Broadway shows of the modern era. With so many accolades under its belt, including 11 Tony Awards, a Grammy Award and a Pulitzer Prize, and so much excitement from avid fans, we know *Hamilton's* first preview tonight and its premiere Saturday week will be a huge success. As Jeffrey Seller, the original producer of—

The Hon. Walt Secord: Point of order: I know the Minister is very excited about this but I hope that credit goes to Dr Kerry Chant and I hope he provides her with complimentary tickets.

The PRESIDENT: I am looking at all 20 previous Presidents before me since 1856 and I cannot think of one of them in any way ruling that that is a point of order. There is no point of order.

The Hon. DON HARWIN: As Jeffrey Seller said this morning: Sydney is leading the way and teaching not just Broadway, but also London, how to stage major musical productions in a COVID-safe way. The eyes of the world are on our city as we stage the first production of *Hamilton*—I repeat, the first production—anywhere in the world since 12 March 2020. We have staged the Sydney Festival, we have staged a Mardi Gras, our orchestras and theatrical shows are back, and now we are staging *Hamilton*. Only in Sydney and only in New South Wales is all of this possible. We have been looking forward to this moment ever since the New South Wales Government secured this highly coveted musical for Sydney nearly two years ago. This has reinforced Sydney's position as Australia's first choice for Australian premiere musicals, which is a huge benefit to our visitor and night-time economy. I know there will be more exciting news on this front as the year unfolds.

Hamilton will support up to 350 full-time jobs just on the production throughout its season and countless other jobs in the retail, hospitality and support industries, stimulating economic activity right across the city. Most of *Hamilton's* stunning elaborate costumes have been made in Sydney, employing hundreds more locals. Tickets are currently on sale for 17 March through to 5 September. Audiences and visitors right across Sydney and the country should buy a ticket, take a break and see the best that Sydney has to offer. How can one say no to this?

The Hon. Walt Secord: The Minister is driving down ticket sales with that speech.

The Hon. Don Harwin: I do not think so. Thirty per cent of them have been sold in Melbourne.

The PRESIDENT: Is the Hon. Walt Secord okay if I now give the Deputy Leader of the Opposition the call?

The Hon. Walt Secord: I have got some more interjections but I will reserve them.

The PRESIDENT: I call the Hon. Walt Secord to order for the first time.

EDUCATION REFORM AND MENTAL HEALTH

The Hon. PENNY SHARPE (12:08): My question without notice is directed to the Deputy Leader of the Government and the Minister for Education and Early Childhood Learning. What is the Minister's response to the Gallop report's finding in relation to student mental health that there must be at least one school counsellor for

every 500 students as a matter of urgency, and by 2023? Will the Minister commit to increasing the number of school counsellors to that level?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08): I thank the honourable member for her question about a very important issue regarding the mental health and wellbeing support that is provided to our school communities. Obviously the Government has already done a lot to increase the number of counselling positions in our schools, coming off the back of our previous election commitment to increase the number of counsellors and student support officers to one full-time position of each of those roles in every public high school across New South Wales. The rollout of that has been incredibly successful. We have 175 full-time student support officers providing that extra resource in our schools to support students' wellbeing and mental health. To have that extra place where students can go for support also helps the staff at our schools and our head teachers' wellbeing.

From July this year I am told that there will be a further 207 positions in schools, again working to fulfil the Government's election commitment, in addition to the roll out of extra counselling positions. It is important to bring into the picture the announcement from the wonderful Minister for mental health that formed part of last year's budget in relation to the 100 wellbeing and health in-reach nurse [WHIN] coordinators who will be rolled out across the State. The roll out is a collaboration between NSW Health and the Department of Education to make sure that we have WHIN coordinator positions affiliated with specific schools where they can make a difference and support students in general health, as well as mental health and wellbeing. Importantly, they will be a really good referral source for external services that exist in the community. The roll out of those positions has been, and will continue to be, well received by school communities.

The member asked what the Government will do in terms of committing to extra school counsellors. I am happy to inform members that the school counselling service has undergone a period of significant growth, increasing from 790 positions in 2015 to 1,108.4 positions by 2020. By June 2023 there will be more than 1,180 school counselling positions. The Government has already done a lot of work in this space. It is an important issue. The Government is increasing the number of counsellors, extra student support officers and WHIN nurses in schools to provide a collaborative approach to wellbeing and mental health in school communities by ensuring that students receive support when they need it. I am proud of what the Government is doing in this space. Of course, this is an ongoing issue around which the Government needs to continue to support students. Fly-in fly-out services are also being offered in rural and remote communities. The Government's record speaks for itself when it comes to providing extra counselling support in schools and it stands behind its achievements so far in this space.

The Hon. PENNY SHARPE (12:11): I ask a supplementary question. I thank the Minister for her answer. Will the Minister elucidate on her answer about how many counsellors are working in positions across the State, given that there are over 2,000 schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12): I thank the member for her question. As I said, the figure that I have for 2020 is 1,108.4 by the end of June.

The Hon. Penny Sharpe: Are they in them, though? How many are working in schools? That is what I am asking.

The Hon. SARAH MITCHELL: Well, they are school counselling positions.

The Hon. Penny Sharpe: But if they are vacant, they are like a hologram.

The PRESIDENT: The Minister will resume her seat.

The Hon. Penny Sharpe: I am sorry, Mr President.

The PRESIDENT: I thank the Hon. Penny Sharpe for her apology but I call her to order for the first time.

The Hon. SARAH MITCHELL: I already outlined the figures in terms of the positions and the roll out that the Government expects to have in place by June 2023. Based on her interjections, I think the member is also asking about vacancies in those roles.

The Hon. Penny Sharpe: That is exactly what I was asking, which is what I asked in my supplementary question.

The PRESIDENT: You opened the door, Minister.

The Hon. SARAH MITCHELL: I should not respond to interjections, you are right.

The PRESIDENT: Or encourage them.

The Hon. SARAH MITCHELL: Look, it has been a day already, hasn't it, Mr President? I am happy to take the question around the specific numbers and the vacancy rate on notice. There is active recruitment going on, particularly for our new positions. As I said, I get regular updates when those positions are filled so I am pretty confident with the roll out. I meet school counsellors when I visit school communities as well. I will provide the member with the specific number in relation to current vacancies on notice. The Government has a great scholarship program running at the moment to help current teachers retrain and get their psychology qualification to become a school counsellor. The Government is actively investing in getting the workforce this State needs not just for those new positions but also to fill existing positions. The scholarship roll out has been very successful, as indicated by the take-up, which has been very good. I will provide the member the specific numbers on notice.

ENERGY POLICY

The Hon. MARK LATHAM (12:13): My question is directed to the Minister for Finance and Small Business, representing the Treasurer. I refer the Minister to Treasury evidence at budget estimates hearings, where it said it is now reviewing the Government's NSW Electricity Infrastructure Roadmap. I also refer the Minister to the Australian Energy Market Operator [AEMO] letter on 23 February 2021 to the Australian Energy Regulator, stating that Minister Kean's policy has "multiple early coal-fired generation retirements" projected in the next decade. What is Treasury's plan B for keeping the lights on in New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:14): I thank the member for his question. As he identified, this issue was raised with the Treasurer at budget estimates. I noticed that the member did not attend the budget estimates hearing with the energy Minister.

The Hon. Adam Searle: I was there.

The Hon. DAMIEN TUDEHOPE: I know the Leader of the Opposition was there. Potentially it is a double-barrelled question that should be put to the Minister for Energy and Environment. Under those circumstances, I will take the question on notice.

The Hon. Mark Latham: Point of order: How can I put the question to the Treasurer unless he was to come here? Should we invite the Treasurer here to answer? The Minister for Finance and Small Business is representing the Treasurer and should give an answer.

The PRESIDENT: Order! The Minister gave an answer, was directly relevant and indicated that he will take the question on notice and refer it to the relevant Minister. That is the way it has always occurred. There is no point of order.

INTENSIVE SUPPORT TEACHERS

The Hon. LOU AMATO (12:15): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the Government's tutoring program?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16): I thank the honourable member for his question. Following a disruptive year last year, the Premier, the Treasurer and I announced a landmark \$337 million program to support students across the State. The program will see up to 5,500 educators employed throughout 2021, with every public school across the State receiving support. I am thrilled that more than 4,000 educators are already on the ground in almost 1,800 schools. The majority are teachers and will be supplemented by initial teacher education students and university tutors. The uptake of this program has been fantastic, with more than 5,000 educators registered through ClassCover, of which around 90 per cent are teachers. That brings the total number of educators to more than 8,400, including more than 7,700 teachers, which is amazing.

By providing employment opportunities for teacher education students, the program will support their transition into teaching by giving them valuable experience and strengthening the teaching workforce. It has been great to hear examples of the way that schools have tailored their support to target the needs of students using local knowledge and data from last year's successful check-in assessments. It is something that I enjoy speaking most about to staff and principals when I visit schools to see how they are using this program and how much of a difference it is making for students. Nowra East Public School Principal Kristie Goldthorp had the program up and running early in term one, led by a specialist teacher. More than 150 Taree High School students have been identified for tailored support and a casual teacher with extensive learning and support teaching experience has been recruited to help deliver the program.

Hunter River High School has recruited three additional teachers under the leadership of Principal Deb Dibley. One of the teachers has a primary background and will work predominantly with students in year 7 and year 8, another has secondary training and will support students in year 9 and year 10, and a third is a secondary teacher and a proud Aboriginal woman who will work predominantly with Aboriginal students. All the

schools are using comprehensive data analysis to identify students who will benefit most from participation in the program. Those are a few of the ways that schools have targeted this funding injection to support the needs of students.

Evidence shows that intensive support such as small-group tuition delivered by professional educators is effective in supporting and rapidly accelerating students' learning. Hundreds of thousands of students, including some of our most disadvantaged, stand to benefit from this intensive tuition during 2021 through the investment. The Government is working closely with principals and school leaders to identify students with learning gaps who would benefit most and has provided guidelines for non-government schools. The identification of students most in need has been informed by a range of school-level and student-level data, including reports, check-in results and other assessments, attendance and Best Start data, and teacher judgement. The Government knows that 2020 was an unprecedented year for schools, and I thank every educator who has come forward through this program to support our students. I know it will make a really positive difference for them.

COVID-19 VACCINE

Reverend the Hon. FRED NILE (12:19): My question without notice follows on from the one I asked on 18 February and is directed to the Minister for Mental Health, Regional Youth and Women, who represents the health Minister. Is the Minister aware that the following nations have suspended the rollout of the AstraZeneca COVID vaccine: Germany, France, Spain, the Netherlands, Denmark, Iceland, Ireland, Luxembourg, Italy, Austria, Norway, the Balkan States, Romania, Bulgaria, Thailand, Indonesia and the Democratic Republic of Congo? Is the Minister able to explain this development? Given that many of these nations have health systems that rival our own, does the Minister still stand by her earlier answers to my questions?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:20): I thank the honourable member for his question, which he says is related to a previous question he has asked me in this House, as I represent the health Minister, Brad Hazzard, who resides in the other place. I understand the honourable member's question, it was: Do I still stand by my comments that I have previously stated in this House? I absolutely stand by those comments 100 per cent. I understand that there have been issues internationally relating to the rollout of this vaccine. Based on the information that we have from the Australian Government, we are ensuring the implementation of a safe and effective COVID-19 vaccination program in New South Wales.

Questions have been raised but the Therapeutic Goods Administration, the Australian Government and the State of New South Wales have all stated that the AstraZeneca vaccine is absolutely 100 per cent safe for the community of New South Wales. I note that the Premier said that she felt safer after having the vaccine. I implore everybody to get the vaccine, as we all need to so that we can start to regain the life we had, for the sake of our physical health and for the sake of our mental health. The vaccine rollout has been very concentrated, and we have positive data to support that it has had an effective rollout across the world. Dr Kerry Chant, whom I have the utmost respect for—as does, I think I can say, everybody in this Chamber—has clearly stated that the vaccine is safe.

I have always been an enormous supporter of the immunisation program. We have so much to be proud of in this State and in this country. We have eradicated horrendous diseases that had occurred for centuries, like polio, through excellent vaccination programs. We implore everybody to please go out and get this vaccine. It is a community responsibility to have absolute immunity to this virus, which has damaged an incredible amount of lives overseas—I think up to half a million in the United States alone. This is a safe vaccine. We have impeccable processes in this nation. We have impeccable scientists. We have incredible clinicians who are doing an incredible job. So I absolutely 100 per cent stand by my comments. As soon as I am eligible and it is my turn, I will be standing there with my arm ready. I look forward to getting my vaccination.

The Hon. Walt Secord: Hear, hear!

RETURN TO WORK PROGRAM

The Hon. ROSE JACKSON (12:23): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women. Given that during the 11 March budget estimates hearing the Minister was unable to answer how many women received support from the Return to Work Program, will she now confirm how many women received support through the scheme and how much money has been spent as of Friday 12 March?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24): I thank the honourable member for her question. I said at budget estimates that I would take on notice the exact amount that has gone out under the Return to Work Program. I have done that and that information will be forthcoming.

NSW WOMEN'S WEEK

The Hon. SAM FARRAWAY (12:24): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the 2021 NSW Women's Week?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24): I thank the honourable member very much for his question. NSW Women's Week, as we know, ran from 8 March to 14 March under the theme #ChooseToChallenge. What a great theme! I had the joy of going to Dubbo on International Women's Day last Monday and celebrating the work that women do in our regional and rural communities. Joy Harrison, who was the 2021 Dubbo Local Woman of the Year, is one of these women. She has been a tireless contributor to the Gulgong community for decades. I also joined a few 2020 NSW Women of the Year Award winners and finalists at an event hosted by the Sydney School of Entrepreneurship at Dubbo's beautiful The Exchange. We discussed "Leading in times of change and challenge".

I capped off International Women's Day at an intergenerational forum hosted by the Older Women's Network NSW, where women told their stories of innovation and determination. I give a huge shout-out also to Wheelchair Sports NSW/ACT. I watched their flash mob outside Customs House on Tuesday. I loved seeing so many smiles and being part of such an infectious energy. Boy, can they dance! I had the great privilege of announcing Molly Croft as the winner of the One to Watch Award at a luncheon for the nine finalists at the State Library last Tuesday. What an incredible young woman! I thank her Excellency and Mr Dennis Wilson for hosting the 30 finalists for 2021 NSW Women of the Year awards at Government House on the eve of the awards. It was a lovely evening, and the Governor certainly was a really big hit with the award finalists.

As I mentioned earlier this week, the 2021 NSW Women of the Year Awards was absolutely fantastic. I very much appreciated the great feedback from all sides of politics on the day. The NSW Chief Health Officer, Dr Kerry Chant, was named NSW Premier's Woman of the Year and the NSW Woman of Excellence, a truly great acknowledgement of her achievements. It was fabulous to meet the 24 women who received Future Women NSW rural scholarships as well at the Future Women Leadership Summit last Wednesday. It is so important to elevate and to magnify the voices of women in our regions and in the city. I cannot wait to watch their journeys.

I finished off NSW Women's Week with a panel discussion at New South Wales Parliament House on gender parity in the New South Wales public hospital medical workforce. I thank Associate Professor Payal Mukherjee, Elizabeth Koff, Dr Teresa Anderson, Professor Raymond Sacks and Professor Paul Bannon for sharing their insights and championing change. In addition, 27 organisations joined together in \$100,000 of funding to deliver community events under the NSW Women's Week grants program. What a fantastic week!

KANGAROO CULLING

The Hon. MARK PEARSON (12:27): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the agriculture Minister. Now that New South Wales has been declared 90 per cent drought free, will the licence to harm conditions for non-commercial tagging and reporting of kangaroo kills be restored?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28): I thank the honourable member very much for his question. I note that he has been speaking about this issue for a while. As it relates to a Minister whom I represent in the other place, the Hon. Adam Marshall, I will take the question on notice and get an answer back to the honourable member as soon as possible.

BOX HILL AREA SCHOOLS

The Hon. PETER PRIMROSE (12:28): My question without notice is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. Given that the five public schools around Box Hill and The Gables are overcrowded and have 66 demountables between them, will her Government commit to delivering a new public school in the area?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:29): I thank the honourable member for his question about schools in the Box Hill area. I have been discussing that today with one of the local members out there, Ray Williams, so the timing is quite fortunate. We have a significant school building program underway, as I have mentioned before in the House. We work very closely with Planning and other government departments to monitor population growth and look at what we need in terms of new school builds. I am happy to take on notice the member's question and provide a detailed answer about what we are doing in that part of Sydney.

The Hon. PETER PRIMROSE (12:30): I ask a supplementary question. Will the Minister elucidate her answer? In her discussions with one of the local members, was she able to assure him of when a new school would be established?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:30): It will not surprise the member that I speak to lots of members of Parliament from all sides of the political divide about schools in their communities. In question time I will not talk about any conversations that I might have with colleagues. I will say that Ray Williams is a very passionate advocate for his community and we are having good discussions about what is needed in his local community.

The Hon. COURTNEY HOUSSOS (12:31): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she spoke about representations that she had received from the local member and from others? Have the developers lobbied her directly to provide that public school, which they are promising will be delivered for the local community?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:31): I have not received any documentation or representations from the developers that the member referred to. I certainly have not seen them, so the answer to that question is no.

SMALL AND REGIONAL BUSINESSES

The Hon. MATTHEW MASON-COX (12:31): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government supporting small and regional businesses in New South Wales through its procurement policy? Can we do better?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32): I thank the member for his question. I wish everyone a happy St Patrick's Day.

The Hon. Sarah Mitchell: Look at the tie.

The Hon. DAMIEN TUDEHOPE: Yes, it is in keeping. I start by saying, Mr President, that Saint Patrick was probably Lebanese.

The PRESIDENT: Everyone was, originally.

The Hon. DAMIEN TUDEHOPE: He is the patron saint of everyone. Daniel O'Mookhey over there is wearing a green tie, and we have Walter Patrick Secord. Happy St Patrick's Day to everybody. I cannot say this often enough: Small businesses, as the Premier keeps alluding to, are the backbone of the New South Wales economy.

The Hon. Matthew Mason-Cox: Play it again.

The Hon. DAMIEN TUDEHOPE: I will say it again: They are the backbone of the New South Wales economy. Each and every small business plays a critical role in the social fabric of its community, providing everything from sponsorship of local sporting teams to goods and critical services for families in all corners of the State. Last year was tough for small businesses, with bushfire, drought, floods and COVID-19. Small business owners have shown a level of resilience that we can all admire. The New South Wales Government has acted rapidly to provide support for businesses through payroll tax cuts, direct grants, access to Business Connect advice, Dine & Discover NSW and the \$1,500 rebates program, which I mentioned yesterday.

One of the ways we can support small businesses is by increasing awareness and opportunities to contract with the State Government. The Government introduced the Small and Medium Enterprise and Regional Procurement Policy in February 2019. The policy has four principal objectives: supporting local businesses, start-ups and innovation, and primary industries; building small and medium-sized enterprise [SME] capability to supply to government; making supplying to government easier for SMEs; and listening to local businesses and measuring participation. Under this policy, the small business exemption allows agencies to purchase goods and services worth up to \$50,000 directly from a small business, even where there is a whole-of-government agreement in place. The policy is achieving outcomes. It is saying to agencies: Look local first.

In the 2019-20 financial year the New South Wales Government procured nearly \$40 billion worth of goods, services and construction, with \$16.5 billion of that total—nearly 42 per cent—being spent with more than 52,800 small and medium businesses. But we can do more and we can do better. That is why the Government has put out a discussion paper and is looking forward to contributions. Maybe those opposite would like to make a contribution. I urge people to make a submission to the Government's Small and Medium Enterprise and Regional Procurement Policy review. [*Time expired.*]

SEASONAL AGRICULTURAL WORKERS

The Hon. ROD ROBERTS (12:35): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. On 9 February 2021 the Hon. Adam Marshall announced that the Government had given the green light to an additional 815 overseas seasonal workers from Pacific island countries to enter the State and work in agriculture. Given the desperate need for seasonal workers in New South Wales, how many of the 815 workers have actually arrived in New South Wales? Where are those workers employed? Does the Government have a strategy to rival the South Australian Government's recently announced plan to bring in thousands of additional seasonal agricultural workers?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:36): I thank the honourable member for his very detailed question on seasonal agricultural workers. I represent Minister Marshall, who resides in the other place, so I will take the particulars of the question on notice. It is a good question and one that we have been faced with in rural and regional New South Wales because of COVID, which has made it very difficult to have seasonal workers. That is why I will take the opportunity to very quickly talk about why the Government pushed a regional gap year for students. We wanted city students to come to the country and look at the incredible lifestyle there, the jobs that are on offer and the things to do. That is one thing that the Government tried to do. I know that Minister Marshall has been working extremely hard on this matter. I will get the details to the member as soon as possible.

SYDNEY OPERA HOUSE

The Hon. COURTNEY HOUSSOS (12:37): My question without notice is directed to the Leader of the Government and Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that 25 March 2021 is the bicentenary of the Greek Revolution and the formation of the modern Greek nation, and given that there will be limited celebrations due to the pandemic, does the Minister stand by his Government's decision to refuse to allow the projection of the Greek flag onto the Sydney Opera House sails?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:37): The decision was not taken by the Government; the decision was taken by the Sydney Opera House Trust. The Sydney Opera House Trust has very clear guidelines and it also has a conservation management plan to work under. I am advised that the conservation management plan puts a limit on the number of these events that the trust can do each year. Costings are also involved, in terms of what can be done and what cannot be done, which have to be paid by the user and not by the Sydney Opera House Trust.

When we light the Sydney Opera House's iconic sails, it is a unique commemoration and celebration of events of State, national and international significance. The sails are lit for a range of community events or cultural moments, including recently for Lunar New Year and Australia Day. The Sydney Opera House is responsible for reviewing all such requests in line with its policies and ensuring that all activities are appropriate to its World Heritage status. They took the decision and the honourable member should not come in here and suggest that it was either me as a Minister or someone else in the Government who made that decision.

The Hon. COURTNEY HOUSSOS (12:39): I ask a supplementary question. In relation to the part where the Minister spoke about the limit on the number of events and the appropriateness to World Heritage status, will he outline whether that was the basis on which the application was refused? If not, what was it?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:39): I thank the member for her question. I will have to obtain an answer from the general manager of the Opera House Trust in terms of the basis for its decision. Therefore, I will take the question on notice.

The Hon. WALT SECORD (12:40): I ask a second supplementary question. Will the Minister elucidate his answer? Given that he said the decision was not taken by his Government or anyone in his Government, why then did the Treasurer this morning take credit for the decision to bathe the Opera House sails in the colours of Ireland?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:40): I am not aware of those comments so I cannot help the honourable member.

SCREEN INDUSTRY

The Hon. TREVOR KHAN (12:40): My question is addressed to the arts Minister. Will the Minister update the House on how the Government is attracting screen productions from around the world to New South Wales?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:41): I am happy to do that. The New South Wales screen industry is booming, thanks to a \$175 million boost to the Made in NSW fund and our State's successful ongoing management of COVID-19. This is a shot in the arm for the New South Wales screen sector, cementing our role as the screen capital of Australia. Several major projects have been secured recently through the Made in NSW fund that are estimated to contribute over \$430 million to the State's economy and support more than 2,300 local jobs. They include the eight-episode Netflix series *Pieces of Her*, starring Emmy and Golden Globe winning actress Toni Collette and acclaimed actor David Wenham. The project will contribute \$58 million to the State's economy and generate over 400 local jobs. *Pieces of Her* was due to film in Vancouver but moved here due to COVID restrictions. Now it is filming all over western Sydney and regional New South Wales, including at Macmasters Beach on the Central Coast and in the Blue Mountains, Westmead, Auburn and Oberon.

The new Netflix action film *Interceptor* will commence shooting in the State this month and will showcase the State's production capacities and CGI and VFX prowess. It will also spend more than \$14 million and support over 150 local jobs. This action blockbuster, starring Elsa Pataky, is the directorial debut of Australian novelist Matthew Reilly and was written by Reilly and Stuart Beattie with Chris Hemsworth amongst the executive producers. The film is slated for theatrical release in Australia at the end of 2021, before being screened globally via Netflix. Finally, the Netflix comedy *God's Favorite Idiot*, starring and co-produced by Melissa McCarthy, has returned to Australia and will continue the pipeline of Netflix projects that are being filmed in New South Wales. This exciting new Netflix series will support over 300 jobs, bring significant expenditure into regional areas and showcase the beautiful Northern Rivers area. In addition, to date in 2021, Screen NSW has also provided 33 local productions with \$4,781,554 in support for production, TV drama, documentaries, feature films and children's TV. [*Time expired.*]

MENTAL HEALTH DRUG TREATMENTS

Ms CATE FAEHRMANN (12:44): My question is directed to the mental health Minister. Today it was reported in *The Sydney Morning Herald* that her Federal Government counterparts will announce a \$15 million competitive grant round to kickstart clinical trials of psychedelic assisted therapy for the treatment of mental illness, with the Federal health Minister describing early results of trials in Australia and internationally as "extremely encouraging". The Minister has responded to questions by me in this place by pointing out that psychedelic substances are not currently established clinical treatments. In light of the Federal Government's decision to open the door to these trials, will she make a similar commitment to matching this \$15 million by the Federal Government to support trials here in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:45): I thank the honourable member for her question. She has tirelessly pursued this in the Chamber and with the relevant organisations and has spoken to me about this with those organisations. What I have said clearly in this House—and it is my constant thought, my constant belief—is that the best body to make these decisions is the Therapeutic Goods Administration. It is set up to do that; it is set up to look at those decisions. The member said that the assistant mental health Minister, Mr David Coleman, made those comments this morning about—

Ms Cate Faehrmann: I am talking about Greg Hunt.

The Hon. BRONNIE TAYLOR: It was David Coleman that made those comments this morning. I am happy to retract that, but that was my recollection. He said some funding would be going into it because there has been some promising signs in the United States trials. I absolutely welcome that. I think it is a great announcement from the Federal Government. Anything that will assist in the treatment of mental illness is something that everybody absolutely supports, but it has to be tested—and the testing and the research has to be rigorous. That is exactly what is going on now. I have been firm about that from the beginning. If the research and the evidence confirms what these initial overseas trials show then it is absolutely something that we should look at.

I am very much looking forward to seeing those results because anything that we have in the armoury to treat mental illness is a really good thing. I am open to that as long as it is clinically tested, the trials are robust and the Therapeutic Goods Administration is allowed to do its job, which is exactly what is happening. I thank the honourable member for her interest, her advocacy and for raising this.

HERITAGE COUNCIL OF NSW

The Hon. WALT SECORD (12:46): My question without notice is directed to the Leader of the Government. Does he stand by his Government's appointment of former environment Minister Robyn Parker to the Heritage Council of NSW given her October 2011 budget estimates statements where she made the unusual claim "logging protects koalas".

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:47): Oh my goodness. Is that the best they can manage? I mean, they are sitting on 23.9 per cent and that is their strategy for getting back into government. It is just extraordinary. The Hon. Robyn Parker was an outstanding heritage Minister. She did a great job. She oversaw the addition of a large number of significant properties to the State Heritage Register and, moreover, she was a respected member of this House and then an excellent member for Maitland in the other place. It was during that time that she had the Heritage portfolio. She has a detailed knowledge of heritage and I think she is an excellent appointment.

The Hon. WALT SECORD (12:48): I ask a supplementary question. Will the Minister elucidate his answer? Given that the Minister laid out the CV of Robyn Parker and why he supports that appointment, why did he not publicly announce that appointment if he was so proud of it?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:48): That is not my recollection, but I will check. In any case, the Hon. Robyn Parker will be an excellent member of the Heritage Council. I look forward to her work with other members of the Heritage Council in doing what they can to oversee the State Heritage Register, which has 1,570 properties on it. I am sure she will have plenty to contribute in terms of the changes to the Heritage Act that might be considered. I will have more to say about that shortly because I want a committee of this Parliament to play a role in that process.

My strong view is that too often people see heritage listing of a property they own as a burden and something to be avoided. That is not the case overseas where a heritage listing is something to be treasured as an owner and something that people want because of the value that it brings to the property. Reform of the Heritage Act ensures that we have a system that makes heritage listing attractive and not just facilitating heritage in terms of weaponising it. That is what brings heritage listing into disrepute and makes people want to avoid it. These are things that a committee will shortly be asked to look at.

The PRESIDENT: The Clerk will stop the clock. I was having difficulty hearing the six or seven interjections by the Hon. Rose Jackson. Her throat is a bit sore, probably because there have been too many interjections. I call the Hon. Rose Jackson to order for the first time. The Minister has the call.

The Hon. DON HARWIN: I have concluded my answer.

STUDENT BEHAVIOUR STRATEGY

The Hon. LOU AMATO (12:51): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is helping teachers navigate student behaviour in the classroom?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51): We know that there is no one-size-fits-all answer to the management of complex student behaviour in schools across the State. That is why as a government we need to make sure that principals and teachers are well equipped to deal with a child's behavioural issues no matter where they are from or what their local context is. Last week the New South Wales Government's final version of the Student Behaviour Strategy was released. That focuses on early intervention and increased support and professional learning to assist teachers' classroom management and student behavioural needs.

In August 2020, as many members are aware, I released the draft Student Behaviour Strategy and invited input from the community. The consultation period was extended due to an unexpectedly high number of submissions flowing through. We ended up with more than 900 concise and constructive submissions from the extremely diverse voices—teachers, principals, students, parents, carers, community members, non-government organisations and interested service providers. I thank and acknowledge all stakeholders for their considered feedback on the draft strategy. All of the views were incredibly valuable and were key to informing the final version. The key takeaway from the consultation period was that as a government it is critical we provide more support for teachers and principals to meet the diverse learning and wellbeing needs of students across the State. We also heard that we need to strengthen our system of effective behaviour support to create inclusive learning environments for our students and safe and respectful working environments for our staff.

The new Student Behaviour Strategy will provide greater support to schools to promote and manage positive, inclusive and safe student behaviour. This will include an integrated, inclusive and student-centred system that streamlines pathways to learning and wellbeing support; new and enhanced supports, resources and tools to build staff capability and confidence to support and manage student behaviour; designing targeted interventions and services for vulnerable students to ensure that continuity of support, both in and out of school; and an expanded specialist workforce and improved access to specialist behaviour support services.

As I mentioned yesterday, I was in Wagga Wagga last week with the Hon. Wes Fang and the local member, Dr Joe McGirr, to discuss the behaviour strategy with a number of interested representatives—P&C associations, the police, the local Aboriginal community, the PCYC and officers from a number of organisations. The great thing about that meeting was that it reiterated to me that while there are varying views on the management of behaviours in our schools, we all agreed that no child should miss out on receiving an education. That is why this work is particularly important. It is very important that we lift educational standards and improve the learning outcomes of all students in New South Wales. To do that we need to ensure that we have a system in place that supports the needs of every child. From here, we will work with stakeholders to develop the key principles and policies that will be rolled out in schools from term three. I look forward to updating the House on these matters. *[Time expired.]*

COFFS HARBOUR ELECTORATE SCHOOLS

The Hon. MARK BANASIAK (12:54): My question without notice is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware that over the past four years no secondary school in the Coffs Harbour electorate has ranked within the top 200 best performing schools for the HSC, with most declining markedly in that time frame? Given that one of the key purposes of the employment of more director of educational leadership [DEL] positions was to drive school improvement and to ensure data-driven decisions, and the DEL for Coffs Harbour has often been heard stating the data does not lie, why has department head Mark Scott failed to improve results in literacy and numeracy as outlined in his plan when employed? And when will the performance data, or lack thereof, of DELs and Mr Scott be evaluated by the Government and action taken on their underperformance?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55): I thank the honourable member for his question relating specifically to schools in the Coffs Harbour electorate and their outcomes. I think he used HSC data as an example. The answer is simple: As I have said in the House on numerous occasions, at the end of last year we announced our School Success Model. That is all about setting clear targets for school communities in every our public school across New South Wales, including those in the Coffs Harbour region referenced by the member in his question, to make sure that we improve student outcomes. We are doing that to make sure there is shared responsibility for improving student outcomes right across the system—from schools right through the department, the DELs, the executive directors and up to the deputy secretaries and the secretary.

I have been clear about that when talking about the School Success Model. I have said that it is my expectation that we have record funding going into our school communities. We have great teachers, principals and school administrative support staff working hard every day, but we are still not seeing the lift that we need. That is why we are bringing in the new School Success Model. We want to have data that we can use. The member says data does not lie. I agree. We need to get the data to track how our schools are going and provide the extra support where it is needed. As I said, we need to make sure that accountability and responsibility is right across the system. That includes going to our DELs and up to our executive directors and also those who work in the school performance area of the department.

The member referenced HSC data in his question. That will be part of what we track through the School Success Model. Every school will have a target to see improvement and that will include areas such as HSC attainment. We will also be looking at where students go for up to five years after they finish school. That is also important. Some of the conversations that I have with secondary principals and teachers is that the HSC is incredibly important. We all agree that it is a world-class credential, but it also valuable to know where students go after they finish school. It is just as critical if students are doing some form of meaningful further employment or study or training after they finish school. It is important that we measure that as well.

I repeat, while recognising how important the HSC is and that it is an important marker when it comes to educational attainment, we should also be looking at where students are going after they finish school. We should also recognise the importance of those who might be taking a VET pathway, those looking at going into training or further employment instead of going to university where a lot of the focus on HSC tends to be around the Australian Tertiary Admissions Rank [ATAR]. This is exactly why we brought in the School Success Model and as the education Minister I am proud to be driving this reform. I want the data in place. I want the targets set for

our schools. I want to make sure that department staff are providing the support that is needed and that the expectation of shared responsibility and accountability is in place right across our system.

The Hon. MARK BANASIAK (12:58): I ask a supplementary question. In her response the Minister spoke about setting targets within the education community. Will the Minister elucidate what specific targets she has set for the DELs and the deputy secretaries around improving student performance?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:58): Earlier in question time today I spoke about setting targets for the department to reduce the amount of red tape for teachers and principals. We are aiming for a 20 per cent reduction. We want to do that because we know that if we can free up time for teachers and principals to focus on leading their schools and on teaching and learning that will benefit student outcomes. The member asked for an example and that is one example.

The Hon. WALT SECORD (12:59): I ask a second supplementary question. Will the Minister elucidate her answer in regard to whether she has given consideration to increasing literacy and numeracy standards in the districts across New South Wales, which she linked to giving bonuses to senior education officials?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:59): I think the Hon. Walt Secord asked about what we are doing about improving literacy and numeracy. As he would be well aware, and again it is something we have talked about in the House, we also have targets around NAPLAN and our phonics check, which is being brought in this year and will be compulsory. This is not about anything other than lifting student outcomes and sharing that responsibility right across the system. It is my very strong expectation of the department, and its staff is well aware—from the secretary, down to the deputy secretaries and through to our executive directors and our directors in educational leadership—that it has to be a concerted effort to make sure that we improve and support student outcomes.

This is a new way of doing things in New South Wales. It builds on work that we have already done. We had our Bump It Up program. We have also been working with our schools to set targets around things like attendance because if students are not in the classroom then we cannot have them improve their education. This is a really key reform of our Government. It is one that I am proud to be driving as education Minister because it is about putting students first. Student outcomes are at the centre and there is a very clear expectation that we will deliver for our kids.

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

MENTAL HEALTH DRUG TREATMENTS

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (13:01): In the essence of transparency, I want to correct what I said in response to Ms Cate Faehrmann's question. Her question indeed mentioned "your Federal Government counterparts". I heard only Minister Coleman speak this morning but, indeed, Minister Coleman and Minister Hunt are referenced in that question. I correct that for *Hansard* and thank the honourable member.

HERITAGE COUNCIL OF NEW SOUTH WALES

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:01): In question time the Hon. Walt Secord asked about the appointment of the Hon. Robyn Parker to the Heritage Council. He is correct in his recollection that the appointment of Robyn Parker to the Heritage Council was not announced. I point out that neither were my last three appointments to the Heritage Council. It has not been my standard practice.

Supplementary Questions for Written Answers

ENERGY POLICY

The Hon. MARK LATHAM (13:01): My supplementary question for written answer is directed to the Minister for Finance and Small Business, representing the Treasurer. I refer the Minister to the admission of Treasury Secretary Mr Pratt at budget estimates when he said there had been no Treasury oversight of the biggest economic reform in New South Wales for a generation: Minister Kean's 100 per cent renewables plan. Given that Mr Pratt said "in the normal course of events" there would have been Treasury oversight, what made this process so abnormal? Why was the secrecy about the Aurora economic modelling and Frontier Economics audit so unprecedented that not even Treasury, the Treasurer or NSW Cabinet saw these vital reports about the future of the New South Wales economy and its energy security?

WOMEN AND RETURN TO WORK PROGRAM

The Hon. ROSE JACKSON (13:02): My supplementary question for written answer is directed to the Minister for Mental Health, Regional Youth and Women. Will the Minister provide a total figure on the amount of money that has been spent under the Return to Work Program as at today's date?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PENNY SHARPE: I move:

That the House take note of answers to questions.

EDUCATION REFORM AND MENTAL HEALTH

The Hon. PENNY SHARPE (13:03): I take note of the answers given by the Hon. Sarah Mitchell in response to questions from the Opposition about school counsellors and the recommendations of the Gallop report. I will begin this contribution by placing on record my appreciation and understanding of the work that teachers do every day in classrooms across New South Wales to support children who are in extremely difficult circumstances. We have children at primary school level all the way to high school with significant mental health issues. We have a rise in self-harm amongst young people. We have increasing levels of eating disorders. We have record levels of children who have been assessed as being at serious risk of harm. All of those issues find their way into the classrooms of teachers every day. I know teachers who seriously go to the end of the earth to support these young people who are in significant distress.

They cannot do that alone and they need specialised support so that other children in the classroom are able to learn. That is why the Government announcement about school counsellors, school support officers and nurses is very good. I am disappointed though that every time we ask about this the Government just says, "Yes, we have these programs and they are terrific." That is fine, but there are over 810,000 kids in public schools. There are over 2,200 schools. My calculations suggest that we need to have at least 1,600 school counsellors. We are way off the mark. The Government needs to be honest about this. We all want to address this issue but if it is serious about teacher workload and making sure that our most vulnerable kids can work in a class room, work in partnership with their family and teachers, we need to give teachers the time to do that. I place on record my concern. It is good that we are getting extra people but let us be honest about fixing the problem, rather than simply stating what are the inputs because that is not good enough.

I want to make a comment about Women's Week. It has been quite a challenging week and I will have more to say about that. I place on record that the theme Choose to Challenge is one of the most privileged themes I have ever heard in my life. For the women I know who are living in violence or in coercive and controlling relationships, who are unemployed, who are poor, who do not have any power in their workplace, and the First Nations women who are still fighting colonialism, the idea that you can choose to challenge is a fallacy and I was very disappointed. I much prefer Fight the Power.

COFFS HARBOUR ELECTORATE SCHOOLS

The Hon. MARK BANASIAK (13:06): I take note of the answer given by the Hon. Sarah Mitchell to my question. The Minister went to great lengths to explain the School Success Model, so I want to spend some time unpacking the word salad that is the School Success Model. The website is essentially a word salad and is regurgitating and recycling previous policy. The Minister talks about setting attendance targets. We have been setting attendance targets in education since the Crimean War. We have attendance improvement plans. I question whether they are being adhered and acted on is probably the more important thing. If we look at the School Success Model, it talks about a new school plan but all that is doing is rebadging words around the school plan. Things are said in executive summaries now instead of something else. This is just more of the same being recycled.

I have said before to stop recycling policies and initiatives that did not work in the first place because they were not properly implemented. Come up with something new. I will be here for a few more years, I hope, and hopefully in that time the Minister, whoever it is, might come up with something original and new to address the concerns of improving school attendance and school results. The Minister talked about setting targets for deputy secretaries and some of the more senior members in the department, but the truth is they are not held accountable. If I use a sporting analogy, the first person we look at when a team is under-performing is the coach because they are leading the team. They direct how that team should play.

When it comes to education, the first person that is lumped with crap is the teacher. As we heard yesterday, we should look at the cascade of ridiculous policies coming to those teachers from both Commonwealth and State levels. We should look at the under-performance of the directors of educational leadership, the deputy secretaries and the secretary before we look at the under-performance of teachers.

SMALL AND REGIONAL BUSINESSES

The Hon. MATTHEW MASON-COX (13:09): I take note of the answer by the Minister for Finance and Small Business, which I thought was a very excellent contribution to debate in this House. Indeed, pursuant to the procurement policy for small and medium businesses in this State, if I recall correctly the State spent \$40 million last financial year on procurement. Of that, \$16.5 billion, or 42 per cent, went to small- and medium- sized businesses. Over 52,000 businesses in this State were supported by this Government, which is terrific. The Minister, in his own humble fashion and, with no doubt, a twinkle in his eye, thought, "Can we do better?" I know in each area of government policy it is an issue that every Minister reviews on a regular basis: "Can we do better?"

It is great to finally see the Opposition asking the same question: "Can they do better?" I think there is no doubt whatsoever there is great scope for members opposite to do better and I encourage them to do so. I know the Hon. Daniel Mookhey is looking at the shadow Treasurer and thinking, "Yes, we can do better. There is no doubt about that, we can do better." I encourage the shadow Treasurer-in-waiting to keep pushing the shadow Treasurer to greater heights. In the interests of good opposition and good government in this place, we want to see accountability. We want to be sure that the Opposition is firing on all cylinders. I think the Opposition can do better. This Government no doubt will continue to do better on a whole range of fronts. We encourage the Opposition to lift its game. In that regard, it is a long way up from 24 per cent.

COVID-19 VACCINE

HAMILTON THE MUSICAL

RETURN TO WORK PROGRAM

The Hon. WALT SECORD (13:11): As the shadow Treasurer, I make a short contribution to debate. Firstly, I congratulate the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health and Medical Research, on her brave and principled stand on vaccinations and her complete rejection of Reverend the Hon. Fred Nile's loopy position on vaccinations. I also wish to talk about the arts Minister's statements involving *Hamilton the Musical*. Yes, it is wonderful that we have live theatre back in New South Wales, but the Minister cannot take credit for it. Dr Kerry Chant and NSW Health can take credit for *Hamilton* being here.

However, I am very disappointed that many of the smaller venues in New South Wales are suffering. The Minister is completely ignoring them. It is very, very sad to hear that Venue 505, which has been operated by Kerri Glasscock since 2004, will close its doors at the end of the month. That is a shame. Ms Glasscock is the artistic director of the Sydney Fringe Festival and contributes so much to the arts scene. Venue 505 will come to an end because JobKeeper comes to an end at the end of this month. She predicts that hers will be the first of many organisations to fall.

I turn now to comment on women's unemployment. It is very disappointing that the Minister for Mental Health, Regional Youth and Women was unable to reveal, after having been repeatedly asked during estimates, in this Chamber and in questions on notice, the take-up of the Return to Work Program. The Opposition obtained the following figures from questions on notice: 620 women out of 128,000 unemployed women in New South Wales received assistance—only 620 women. Female unemployment is 6.3 per cent. The State average is 6 per cent but that is underreporting because if someone is employed working for one hour, that person is not considered to be unemployed. I am very disappointed that the female unemployment rate is 6.3 per cent. The Minister has had many opportunities to address this. I sincerely believe that she knows that this program is severely undersubscribed and she does not want to reveal that to the Chamber. I thank the House for its consideration.

HAMILTON THE MUSICAL

SCREEN INDUSTRY

The Hon. SHAYNE MALLARD (13:13): I take note of the answers given in two areas by the Hon. Don Harwin in his capacity as arts Minister. I asked the first Government question of the day relating to *Hamilton*. My comments follow the criticisms made of the Minister by the Hon. Walt Secord. The first point I make is that I think it is poor form to play politics with Dr Kerry Chant. Comments on her role and leadership should be nonpartisan. Her leadership during the pandemic is to be applauded. Dr Chant has been recognised by being selected as the New South Wales Woman of the Year.

The PRESIDENT: Order! Members will come to order.

The Hon. SHAYNE MALLARD: This House unanimously endorsed my motion congratulating her on being selected as the New South Wales Public Servant of the Year. Let us not play politics in relation to

Dr Kerry Chant. As the Hon. Don Harwin said, Broadway and London are watching us as a guide on how to reopen theatrical venues and revive live theatre in a COVID safe way. In that regard, the Government takes advice and guidance from the health professionals. To see the return of theatre and festivals in Sydney, one only has to look out the window—if one is lucky enough, as I am, to have an office overlooking The Domain—to see a festival being set up. I have to say that I am not a big fan of The Domain being locked up all the time, but I am pleased to see a festival being re-established in The Domain today as I speak. I hope the weather clears by the weekend so that those attending have a great time.

Minister Harwin referred to the visitor and night-time economy and the benefits from festivals and I could not back that in more. I want to touch on the Made in NSW question he was asked by the Hon. Trevor Khan and the \$175 million over five years the Government has allocated on top of the funding that has been provided since 2016, which is when it was first established. I know that it has created high-value jobs and investment in the television and film industry and, very importantly, has encouraged production in, as the Minister said, western Sydney, which is culturally rich with opportunities for film production, as well as in the home of the Hon. Adam Searle and my home in the Blue Mountains. I heard interjections about the steelmaking industry and pleas for support. The steel industry is not something that can be accommodated in the Blue Mountains, but the film and creative industries work really well with the creative communities in the Blue Mountains and western Sydney.

The World Heritage listed Blue Mountains environment is the perfect venue for a lot of filmmaking. Since COVID started there has been a surge in filmmaking in the Blue Mountains because the production companies cannot leave the State. Recently *Home and Away* was filmed there, whereas the production is usually filmed in Cairns or somewhere. It is fantastic to have these productions in the Blue Mountains, not for the least reason that local people find jobs and local businesses thrive. I strongly support Made in NSW in terms of tailoring employment to sectors of the economy in the State.

The Hon. Mark Latham: What about steelmaking?

The Hon. SHAYNE MALLARD: I invite the Hon. Mark Latham to make his contribution to the debate. *[Time expired.]*

SYDNEY OPERA HOUSE

The Hon. MARK BUTTIGIEG (13:17): During my brief contribution to the take-note debate I will zero in on one particular answer to a question asked by my colleague the Hon. Courtney Houssos regarding the proposed celebrations of Greek Independence Day on 25 March 2021. Her question was quite straightforward: Why did the Government refuse to allow the Greek flag to be projected onto the Opera House in commemoration of that very significant celebration? The answer she received from the arts Minister—a Minister who purports to present himself as a cultural icon of progressiveness and someone who promotes the arts and culture et cetera—was that the decision was the purview of the Sydney Opera House Trust.

My understanding is that the Minister has the power to intervene. The Greek nation is the founder of modern democracy on the planet. After 400 years of oppression, that nation staged a revolution and liberated itself. So 25 March is a significant date in the Greek calendar and for many Greek expatriates. Indeed, this country is proud of its close relationship with the Greek nation. Yet we have a situation where the values and contradictions of the Government are there for all to see when on our national icon we are prepared to project things such as The Everest horseraces and the Wallabies rugby union team. Indeed, we are prepared to display the French national flag on the Opera House. But when the Greeks want to display their flag in celebration of their national day and the founding of the very democracy that we supposedly celebrate, the Minister does not even have the guts to say, "I'll look into this and I'll look at my powers of intervention to see if we might be able to turn this around."

This is an insult and a slap in the face to the Greek people and indeed a slap in the face to our democracy. It speaks to the hypocrisy of the Government when it is prepared to trash our institutions for economic gain and marketing and all the rest of it. But when it comes to real cultural celebration, forget it, it is not prepared to intervene. For the Minister to come into this Chamber and use the cop-out of the trust when we know that he probably has the discretion to do something smacks of hypocrisy, indifference and absolute—

The Hon. Walt Secord: Arrogance.

The Hon. MARK BUTTIGIEG: Arrogance, indeed.

INTENSIVE SUPPORT TEACHERS

The Hon. LOU AMATO (13:19): I take note of an answer by the Hon. Sarah Mitchell. Last year the New South Wales Liberal-Nationals Government announced a landmark \$337 million program to support students across the State after a disruptive school year. Up to 5,500 educators were employed through the program

in 2021, with every single public school across the State receiving support as well as non-government schools that need it the most. The uptake of the program has been fantastic, with more than 8,000 registrations received from educators, of which around 90 per cent are fully qualified teachers. More than 4,000 of those educators are already on the ground at more than 1,800 schools. The majority are teachers, supplemented by teacher education students and university tutors.

Schools have tailored support to the needs of students using data from last year's successful check-in assessments. It has been fantastic to hear from schools across the State on how much of a difference the program has made for their students. Around 290,000 New South Wales students, including some of our most disadvantaged students, stand to benefit from targeted tuition. The year 2020 was unprecedented for schools. I want to thank every single educator who has come forward. Applications are still open to educators who are interested in taking part.

EDUCATION REFORM

SYDNEY OPERA HOUSE

The Hon. COURTNEY HOUSSOS (13:21): In question time today the Labor Opposition asked a number of questions about the Gallop report. I congratulate the NSW Teachers Federation on commissioning Dr Geoff Gallop, Dr Tricia Kavanagh and Patrick Lee to conduct this momentous inquiry, which received over 1,000 submissions. These cases used to go to the NSW Industrial Relations Commission but under this Government's policy that is no longer possible, so the NSW Teachers Federation took it upon itself to commission the report. The report found that there has been a dramatic increase in the intensity and complexity of the work done by our teachers.

During question time the Minister said that this was just a microcosm of what is going on in broader society. It is, but we also learnt from the inquiry, and it was reported to us yesterday by Dr Geoff Gallop, that this was made worse by the Government's Local Schools, Local Decisions policy when it cut thousands of jobs of key support workers right across regional and district offices. It cut workers who are experts in curriculum, technology and student welfare and who provide direct support to our teachers. The measurement in outcome-based funding found that private schools have access to these kinds of supports but our public schools do not as a result of the New South Wales Liberal-Nationals Government. It has cut teachers' wages and support, and it is our children who suffer.

In question time today I appealed to the Leader of the Government to overturn the Government's decision not to project the Greek national flag onto the Sydney Opera House sails for the 200th anniversary, the bicentenary, of the Greek revolution next Thursday 25 March. Because of the pandemic there will be limited celebrations. The enormous march that usually takes place down to the Opera House forecourt, with huge celebrations that take up most of Sunday afternoon, will simply not happen, despite the preparations that began several years ago for this momentous occasion.

The Minister provided a lukewarm response about a limited number of events and that events need to be appropriate to World Heritage status. Lunar New Year is regularly recognised by projections onto the Opera House sails. For the past 11 years Diwali has been recognised on the Opera House sails. The Greek community is the seventh largest ethnic group in Australia. We have always fought together; we have never fought on opposing sides during a military battle. In parts of Sydney, near where I live, there are more people who speak Greek than speak English at home. This is a thriving community that this House unanimously recognised when it passed my motion this morning recognising the hard work, the tenacity and the determination of the Greeks who built this State. The Government should project the flag onto the Opera House. [*Time expired.*]

COVID-19 VACCINE

The Hon. ROSE JACKSON (13:24): I make a brief contribution in support of the answer given by the Hon. Bronnie Taylor in relation to the AstraZeneca vaccine. It is important that opportunities are taken to demonstrate the strong bipartisan support for the Australian and New South Wales governments' vaccination program. The AstraZeneca vaccine is completely safe. That has been reiterated by the Therapeutic Goods Administration, the World Health Organization and leading international health organisations across a range of countries that are rolling out this vaccine right now. Using our Parliament to question the validity of vaccinations and suggesting that they are unsafe is extremely unhelpful and extremely dangerous. Vaccination is the path back to normality for Australia. It will help protect our community; it will help keep people safe. I am so glad that the Hon. Bronnie Taylor and the New South Wales Government are adopting a strong pro-vaccination position. I reiterate that this Parliament should not be used as a platform to spout fake news and false anti-vax sentiments that have no basis in fact, and I condemn those who do.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SCOTT FARLOW (13:25): There was a lot of excitement in the House today as the Hon. Don Harwin, the Leader of the Government in the Chamber, spoke about *Hamilton*. Sydney is the only place in the world where *Hamilton* is taking place. I know that is something that we in this Chamber have been very excited about. I know members opposite are very excited; they have been asking questions about it for a long time. I could see the member for Kogarah auditioning for the role of Hamilton. We already know that he has kept some wise counsel. He has taken Aaron Burr's advice to "Talk less, smile more. Don't let them know what you're against and what you're for." He has been very good on that front. I can also see the Hon. Walt Secord imploring him that, "The world is gonna know your name. What is your name, man?" I can see the member for Kogarah stepping forward and saying, "My name is Christopher Minns and there's a million things I haven't done. But just you wait, just you wait." Then of course, we have—

The Hon. Adam Searle: Point of order: The honourable member is reflecting on a member of the other House. It is unbecoming and unparliamentary and against the standing orders.

The PRESIDENT: The Hon. Scott Farlow has well and truly crossed the line and he will cease reflecting on a member of the other House.

The Hon. SCOTT FARLOW: Thank you, I will take that counsel. Then we have the Hon. Courtney Houssos, the Hon. Rose Jackson and the Hon. Greg Donnelly who are our own Schuyler sisters. They are imploring him in the corner, "Christopher Minns, we are waiting in the wings for you." One can hear them singing, "Raise a glass to the four of us. Tomorrow there'll be more of us," as they come charging in to see the change. But we know the advice from Hamilton. There is of course *Cabinet Battle #1*, or in this case the shadow Cabinet battle no. 1 where they say, "We implore you, Sir, a word. You don't have the votes, sir." But we know what happens with shadow Cabinet battle no. 2. We know that Hamilton gets the votes and he comes riding to the fore. It is not just the member for Kogarah who has got a role. I could see the member for Maroubra with a role as well, maybe playing King George, "You'll be back. Soon you'll see"—

The Hon. Adam Searle: Point of order: The honourable member is offending on the same basis. He might think this is very funny but it is extremely lame and it is against the standing orders.

The PRESIDENT: I have not ruled yet.

The Hon. SCOTT FARLOW: I will be drawn back—"You'll remember that you belong to me. I served you well." They may be heading back but we all know in this Chamber that the member for Kogarah, Chris Minns, is not going to miss his shot. He is going to be coming in. I implore members opposite, "What comes next when you've been freed? Do you know how hard it is to lead? You're on your own. Awesome. Wow. Do you have a clue what happens now?" [*Time expired.*]

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

Motion agreed to.

*Written Answers to Supplementary Questions***DEPARTMENT OF EDUCATION CONSULTANTS**

In reply to **the Hon. COURTNEY HOUSSOS** (16 March 2021).

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

In 2017, the New South Wales Government established School Infrastructure NSW as a specialist division within the Department of Education to deliver the Government's historic school building program.

Prior to the formation of School Infrastructure NSW, the department relied on outside expertise to develop business cases to support delivery of new and upgraded school builds. However, the establishment of School Infrastructure NSW afforded an opportunity to develop in-house expertise and put in place processes to support the ongoing capital program.

Deloitte Touche Tohmatsu has been engaged to provide specific expertise and assist with ensuring business cases meet requirements mandated by NSW Treasury. At the conclusion of the contract, School Infrastructure NSW will have the in-house expertise and will have developed procedures and processes to meet the requirements.

The Deloitte engagement has provided a range of planning services spanning the record now \$7 billion program that is continuing the Government's delivery of 200 new and upgraded schools across New South Wales. This includes existing projects and work to support the continued planning efforts to meet growth across the State.

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

*Private Members' Statements***TRIBUTE TO MICHAEL GUDINSKI****SYDNEY MUSIC VENUES**

The Hon. JOHN GRAHAM (15:00): Life is short. Sadly loss is a part of life. I will talk about two recent losses. The first is the force of nature that was Michael Gudinski. A music industry legend, an international figure and a deeply Melbourne person. Michael was less involved in the recent debates around Sydney after dark, but Victorian Minister Martin Foley would always credit him with the success that his Government had in making Melbourne a music city—it is that much of a loss. I heard Gudinski speak just before the COVID crisis and, despite all the hilarious tales he told from his long career, the most striking thing that he said was how much he still had to do. He was still in a hurry, but now we have lost him.

From one Melbourne legend to two Sydney legends: the team who run the Old 505 Theatre, Kerri Glasscock and Cameron Undy. When it comes to delivering music, theatre and fun to Sydney and backing small independent venues, I struggle to think of anyone in recent years who has outdone those two. They are heroes of Sydney after dark. Tragically they have had to close their other venue, Venue 505, and will shortly close down the Old 505 Theatre. If Kerri and Cameron cannot make a venue work in Sydney at this moment in our history—with all their experience, networks and talent—I cannot think of a bigger warning sign for our city. My fear is that New South Wales is about to lose a critical mass of its iconic large and small music venues. The Government has been warned.

The Parliament received committee evidence in a petition that made it clear that 85 per cent of venues could close as JobKeeper ends. No specific financial assistance package has been offered to venues. Nearly \$30 million has been provided to those in Victoria, compared to zero dollars in New South Wales. Investment cannot save all venues, but strategic investment will save some. This is an urgent issue. There are some bright spots on the horizon, with new legislation, Minister Ayres taking an interest and a new night-time commissioner, the well-regarded Mike Rodrigues. Some of these venues will not experience that future because they risk having to close their doors now.

I have also raised the fate of another prominent but unnamed venue, which is a staple of the east coast touring circuit. It faces eviction by a landlord associated with a group that I assume may be accepting JobKeeper payments but that is now insisting on payment in full with no deferrals or discounts. That is immoral. The matter is heading towards mediation, with the help of the Small Business Commissioner and Minister Ayres. New analysis from APRA AMCOS shows that the live music industry is operating at under 4 per cent of pre-COVID levels. I thank the Save Our Stages campaign and APRA AMCOS for raising these issues. The Government needs to act. This short life involves enough loss; we do not need to add to it.

COVID-19 AND PAPUA NEW GUINEA

The Hon. SHAYNE MALLARD (15:03): All members would be aware of the media reports over the past few days, particularly today, that Papua New Guinea has seen a dramatic rise in coronavirus cases. Prime Minister James Marape has warned that they are approaching an infection rate of about one in three people. He said:

The number is quite staggering, if we don't do [a] corrective response to this, our health system will be clogged and we won't be able to sustain it.

Ten million people live in Papua New Guinea, so the number of those infected is alarming. The situation sounds desperate and our neighbour, our friend and a friend of the Parliament is calling for our urgent help. The significant increase in COVID cases has resulted in an immense strain on Papua New Guinea's hospitals. Port Moresby's COVID isolation ward is overflowing and health workers are returning positive test results. The system is collapsing. There are concerns of a surge in cases after mass gatherings were held at the weekend to commemorate the death last month of Sir Michael Somare, who in 1975 became Papua New Guinea's first Prime Minister following independence from Australia.

This morning Prime Minister Scott Morrison and Minister for Foreign Affairs Marise Payne held a press conference and confirmed that Australia will send immediately 8,000 AstraZeneca COVID-19 vaccinations to Papua New Guinea so that the country can urgently vaccinate frontline health workers to slow the growing outbreak. Mr Morrison also said that Australia is working to divert one million doses of internationally produced AstraZeneca vaccinations originally destined for Australia to our friends in Papua New Guinea. The Federal Government will also send one million surgical masks, 200,000 respirator masks, 100,000 gowns, 100,000 goggles, 100,000 pairs of gloves, 100,000 bottles of sanitiser, 20,000 face shields and 200 non-invasive ventilators to the country. The Australian Medical Assistance Teams [AUSMAT] advance medical team will

arrive in Papua New Guinea on Monday, paving the way for more medical teams to arrive. The Government will also provide \$144 million to support Papua New Guinea's vaccine rollout. Mr Morrison said:

They're our family. They're our friends. They're our neighbours. They're our partners. They have always stood with us and we will always stand with them.

Foreign Minister Marise Payne also reiterated the need to help our "Pacific family". Australia has a long history of friendship with Papua New Guinea and Bougainville, as does this Parliament, so we have a duty to help. As members would be aware, I have travelled to Papua New Guinea a number of times, most recently to Bougainville in 2019 on the eve of the COVID outbreak with the Hon. Greg Donnelly for the country's independence referendum. I am gravely concerned about the current situation but pleased with the response from the Federal Government. Rowan Callick, who has worked in Papua New Guinea for over a decade, wrote in today's *Australian Financial Review*:

The help PNG needs ranges well beyond money for vaccines. It ranges well beyond competing with China's growing involvement. It demands the deployment of some of Australia's best health professionals and administrators ... PNG has stumbled into its time of greatest need. And Australians must demonstrate we are true neighbours and friends.

I am sure that all members strongly support that sentiment and we wish our friends in Papua New Guinea the best in dealing with this crisis.

NSW HEN RESCUE

The Hon. EMMA HURST (15:06): Since 2010 Catherine and David have been running NSW Hen Rescue, giving farmed hens a second chance. It is more accurate to say a first chance because for many of the hens that NSW Hen Rescue take in, it is their first chance to see sunshine, dust bathe, flap, preen, walk and even turn around. It is the first chance they have had to feel love, respect and safety. This opportunity has been provided to hundreds of hens thanks to the tireless work and dedication of Catherine and David and the supporters of Hen Rescue. In early 2020 they took in a burn victim called Amelia, who survived the bushfires that killed billions of animals. Hen Rescue was one of a small number of charities that saved the lives of farmed animals during the crisis. With the help of Hen Rescue, Amelia received urgent veterinary treatment that saved her life and she was one of the few hen victims of the bushfires to survive.

The pressure on charities that receive no government assistance for the work they do has a mental toll and a financial ceiling. NSW Hen Rescue has been operating from rented homes and has had to move seven times in the past 10 years. It recently had the stress of receiving a notice of eviction and is currently fundraising to set up a permanent rescue centre. Catherine and David do not want to shut down the rescue centre, but without a permanent location their vital work is simply not sustainable. A price cannot be put on the work done and the lives saved by this charity. As Catherine says, "Saving one animal won't change the world, but it will change the world for that one animal." I am pleased to report that Hen Rescue has found a residence, but the Government must do more to support the essential work carried out by similar rescue groups. On behalf of the many hens that have been saved, I thank Catherine and David for their life's work in providing these animals with a vestige of the life that was stolen from them.

FAR WEST NEW SOUTH WALES

The Hon. ROSE JACKSON (15:08): The average life expectancy of a man living in Wilcannia is 35 years; for a woman it is 42 years. Most people in Wilcannia are Indigenous Australians. This is happening right now in our State, not some far-off country on the other side of the world. This is our country—our State. This is our responsibility. Parts of Far West New South Wales constantly have boil water alerts because local drinking supplies become so polluted and putrid. There are towns in our State that cannot consistently access clean drinking water. It is far too easy for us in Parliament—in Sydney—to be disconnected from Far West New South Wales and to forget or ignore the lived experience of citizens there. In fact, Sydney is only the third closest capital city to some areas of Far West New South Wales. Adelaide and Melbourne are closer to some of these communities than we are in Sydney.

It is too easy to forget things like the mass fish kill on the Menindee Lakes and the lower Darling River. Remember that? In December 2018 and January 2019 more than one million dead and rotting fish stretched over 40 kilometres of a once pristine and flowing river system. It is easy to forget how this happened—to move on from addressing the independent scientific findings that explain how this catastrophic ecological disaster occurred. Why did it happen? There was not enough water in the river system. Why was there not enough water? Prolonged and more frequent droughts brought on by climate change and unfair allocation of the precious little water that was there meant that the lower part of the river missed out—too many straws in an already half-empty cup. Again, we cannot abdicate responsibility for these things. They are the result of the choices we make and the actions we take or do not take. Whilst the images of mass fish deaths have receded from public view, the conditions that

created that environmental catastrophe have not. I am speaking of them today to make sure we do not forget our responsibility to these communities and their future.

Yesterday in Parliament it was a pleasure to meet with community leaders from Far West New South Wales and the Nature Conservation Council of NSW. These people care deeply about the future of their communities, and they want us to care deeply too. They were once thriving communities on a thriving river. Now so much industry is gone and the lakes again are dry. Parts of the mighty Darling River are reduced to a string of putrid ponds. We must keep the river flowing along its whole length, keep the Menindee Lakes alive and prioritise Indigenous water needs. The smashing of Barkindji culture has been one of the most tragic elements of the disaster on the lower Darling. Sacred sites are under threat and important gathering points are bone dry. This is all of our river. This is all of our responsibility. Menindee, Wilcannia, Broken Hill and the string of local communities across Far West New South Wales deserve to be heard in this Parliament. We cannot forget them.

ORANGE BUSH NIPPERS

The Hon. SAM FARRAWAY (15:12): This Sunday just gone I was very fortunate to be invited to the Orange Bush Nippers presentation morning at the Orange Aquatic Centre. The Orange Bush Nippers were established in 2007 by two local families in Orange. They are an amazing group of dedicated individuals who enable young people in the Central West to gain surf lifesaving experience. Even though the nippers are hundreds of kilometres away from the nearest beach, it does not stop them from honing their skills at the Orange Aquatic Centre and also utilising Lake Canobolas. It is part of the group's vision statement to improve water skills and water safety, utilising pools, lakes, rivers and dams as well as providing opportunities to learn more about water safety at beaches. Senior members of the Orange Bush Nippers have the opportunity to obtain their surf certificates through a partnership with Dee Why Surf Life Saving Club. Once they obtain their certificates, they can be part of a patrol roster and are actively involved in beach patrolling.

One of the founders of the Orange Bush Nippers, John Collins, continues to be involved and is a patrol captain at Dee Why, helping develop the skills of those from Orange and the Central West in a saltwater environment. Members volunteer their time during patrol season—especially in peak times, such as Christmas and the Australia Day weekend, when they will individually travel over 500 kilometres to gain experience and perform this valuable service. The biggest motivator for age managers and parents is to build water confidence and water safety in local young people so that they are as safe as possible in and around waterways. The skills they learn are ones that they will have for the rest of their lives. I say a big congratulations to Declan on winning the Junior Encouragement Award, Eleanor Ryan on winning the Senior Encouragement Award and clubman of the year Cohn Kjoller. I thank President Chris Brayley and all involved in this wonderful organisation for allowing me to be a part of their recent special day. I cannot wait to attend their next event and see this lifesaving program grow well into the future.

SYDNEY INTERNATIONAL EQUESTRIAN CENTRE

The Hon. MARK LATHAM (15:14): I report to the House that my conversion to Standing Order 52 continues apace with another valuable process. In December I asked the Minister for Sport, Geoff Lee, a question on notice about a worrying conflict of interest in a \$1 million grant made by the Office of Sport to Barrie Smith Motorsport for an upgrade to facilities at the Sydney International Equestrian Centre. Equestrian NSW was heavily involved in the awarding of the grant through CEO Bruce Farrar, even though President Peter Dingwall's son Stephen works for the winning tenderer and is also the son-in-law of Barrie Smith. The process was dodgy and the final work at the equestrian centre has been substandard. I asked dozens of detailed questions of the Minister but only received this perfunctory one-line reply:

The Office of Sport sent the matter to the Independent Commission Against Corruption (ICAC). ICAC has advised that it will not be investigating the matters raised.

Now the call for papers under Standing Order 52 has revealed the full extent of ICAC's concerns in this letter to the Office of Sport on 1 December 2020. The letter states:

... The information before the Commission indicated a number of corruption risks:

- On numerous occasions, the advice of Equestrian NSW (ENSW) and/or Bruce Farrar appears to have been accepted in the absence of independent verification or clear record of how the advice was independently verified. ...
- Mr Farrar appears to have been afforded a significant amount of involvement in the process in the absence of a formal arrangement including a clear description of his duties. It is of some concern that the Office of Sport was 'unable to comment' on whether some of Mr Farrar's actions were the norm for the role he was performing, essentially on behalf of the Office of Sport.

...

- It appears that Mr Farrar's and ENSW's potential and/or perceived conflicts of interest became known amongst the Office of Sport staff, however, it appears that they were not formally documented, and any plan set in place to manage them. Doing so likely would have reduced perceptions of corrupt conduct having occurred.
- Mr Farrar approached Barrie Smith Motor Sport prior to the release of the tender to obtain a funding estimate to include in the proposal. This could be perceived as a tenderer with links to ENSW being given advance notice of the tender and scope.
- ...
- The issue of clearly documented conflict of interest declarations appears to be a widespread one, having regard to the Office of Sport being unable to confirm whether or not former CEO Matt Miller declared his appointment on the selection committee for the ENSW Board.
- Mr Farrar appears to have been responsible for conducting and/or relaying advice of the outcome of the surface test to the Office of Sport. Given the quality issues that have since become known, Mr Farrar's involvement is likely to be another contributing factor to the perception that ENSW was partial to Barrie Smith Motor Sport.

Thank goodness for Standing Order 52 for getting a proper answer—the one that Minister Lee never gave. I assure the House that I will be taking the matter further in other forums.

KINGS CROSS MEDICALLY SUPERVISED INJECTING CENTRE

The Hon. PENNY SHARPE (15:17): In May this year it will be the twentieth anniversary of the Kings Cross medically supervised injecting centre. I am extremely concerned about reports in recent weeks that there is a push from some businesses in the Kings Cross area to move or, indeed, shut down the centre. It took a long time for the medically supervised injecting centre to be put in place. I was but a young staffer in 1999 when I participated in the Drug Summit that was held by then Premier Bob Carr. The Drug Summit had been pushed by the community as a result of the hundreds of overdoses and deaths of young people and others across the State. We had heard from parents anguished at the loss of their children, and we had people living in and around the Cross, particularly, stepping over used needles in the streets. Ambulance officers were walking into very dangerous situations in various squats in that area.

In 20 years the medically supervised injecting centre has demonstrated its value and its importance in keeping people alive. It has dealt with over 10,500 overdoses, without one death. It has more than 17,000 clients. There have been 1.2 million visits. Most importantly, the centre has made over 18,500 referrals to support services—finding that moment in people's lives when they want to seek help for the addiction that they find themselves with. Kings Cross has changed a bit in the last 20 years but the need for the medically supervised injecting centre has not. Its location was carefully selected to be close to transport and close to other services. There has been genuine community consultation in a way that I have never really seen before, both with Kings Cross residents and businesses over a long period of time.

Not everyone has agreed and there have been businesses that have fought the injecting centre every step of the way. But the ongoing communication, consultation and community support for that centre is a testament to the amount of work behind difficult conversations about how we can support people in difficult circumstances to help them turn their lives around and, most importantly, to keep them alive without judgement in a safe place. The medically supervised injecting centre may need to move in the future, but it should not be moved because real estate agents and nightclub owners think its removal would make that strip even prettier. That is not what it is about. It is a centre that saves lives; it has done the work. The centre needs to stay where it is and to keep doing that work long into the future.

WAGGA WAGGA TO TUMBARUMBA RAILWAY

The Hon. WES FANG (15:20): The Wagga Wagga to Tumbarumba Railway has celebrated 100 years since its official opening with a ceremony at the Ladysmith Railway Station. Last weekend I was honoured to attend that ceremony with local member Dr Joe McGirr and Mayor Greg Conkey. Technically some sections of the railway are still in operation—having never been decommissioned by an Act of Parliament—but the line has not seen passenger services since the 1970s or grain freight since the 1980s. On 9 March 1921 the railway line to Tumbarumba was completed; it changed the lives of the communities along the line to Wagga. Economic revolution came with the opening of the railway. Oats, barley and wool were able to be moved efficiently to Wagga and then to Sydney, while Riverina locals became dependent on the line to bring groceries and everything that they wanted.

Over the next 54 years the use of the line was vital to the development of the area—and many unofficial stops allowed access to many users. The station heads were based from existing small communities with shops, schools and post offices. The development of the combustion engine allowed passengers to travel to Wagga Wagga and back in one day. It truly was a landmark achievement for our region. It was fantastic to celebrate this piece of history with the locals who enjoyed the barbecue, surrounding stalls, vintage cars, tractors and working steam traction engines. I remarked on the day that I felt my good friend and mentor Tim Fischer,

who was a well-known train tragic, was on my shoulder. He would have loved seeing the community come together for the celebration. I pay tribute to the Ladysmith Tourist Railway group for hosting the event and, in particular, to Wally Smith, Richard Goodman and Peter Neve, OAM, for such an enjoyable day.

TURKISH CHRISTIANS

Reverend the Hon. FRED NILE (15:22): I update the House on the persecution of Christians in Turkey. Many of my constituents trace their ancestral heritage to Turkey and its surrounding region, so this is a matter close to my heart. In recent years a great deal of suffering has been visited upon Christians in this area—whether in Armenia, in the chaos-ravaged parts of northern Iraq and Syria or in Turkey itself. The oldest Christian communities in the world have undergone a period of annihilation and this process seems to have accelerated in recent decades.

Despite recent political upheavals, Turkey is a relatively stable country with a strong man as head of State—President Erdogan. It is a democracy perhaps in name only. It also seems to have a policy that deliberately marginalises the local Christians and persecutes expressions of Christianity in the country. The case of Pastor Michael Feulner of Yalova Lighthouse Church is a recent example. Pastor Feulner is a German national who came to Turkey to help with the reconstruction effort after the 1999 Izmit earthquake. He and his family settled in Turkey and since 2003 he has been the pastor of the Yalova Lighthouse Church. Recently he was taken to court to contest a "security designation" and a deportation order which, if his defence does not succeed, will see him banned from Turkey. On 11 February the pastor and his legal defence team were afforded 10 minutes to present their case before three judges. Neither the judges themselves nor the immigration officials offered any response to his pleadings.

It is unclear what the allegations were in relation to Pastor Feulner being an alleged threat to the nation's internal security. However, it is not unusual that the simple advocacy of Christian faith is regularly treated as a risk to the Turkish regime and its increasingly Islamist policies. A judgement is expected within three months and no appeal will be permitted. According to the organisation known as Middle East Concern, 70 foreign Christian activists have been similarly deported from Turkey on charges that they are a threat to the country's national security. This is deeply concerning given that Turkey is a member of NATO and has been trying to gain entrance into the European Union for many years. The tradition of Kemal Ataturk, who is still regarded as the Father of the modern Turkish State, has always been oriented towards the West and its values. [*Time expired.*]

ABORIGINAL DEATHS IN CUSTODY

The Hon. WALT SECORD (15:25): Members are well aware that my late father was a Mohawk-Ojibway First Nation man in southern Canada and he served time as a juvenile offender in the 1950s. Therefore, it will come as no surprise that, as a person of indigenous descent, that I have followed public policy on Aboriginal deaths in custody over the last three decades. The *Uluru Statement from the Heart* advises us that, proportionately, the First Nation people of Australia are "the most incarcerated people on the planet". Indigenous adults are 15 times more likely to be jailed than non-Indigenous Australians, and juveniles 26 times more likely. The fastest growing prison population is Indigenous women. How can we, as a nation or a State, rationalise these stark statistics?

In April it will be 30 years since the landmark Royal Commission into Aboriginal Deaths in Custody. Between 1991 and June 2020 there have been at least 437 First Nation deaths in custody recorded nationally. So far this year there have been two more Aboriginal deaths in custody in New South Wales: 2 March and 5 March. They were a First Nation man in his 30s at Long Bay prison hospital and a First Nation woman in her mid-50s at Silverwater Women's Correctional Centre, respectively. So, this issue is still real. I am making this contribution because at the budget estimates hearing on 9 March it was revealed by Corrective Services NSW Commissioner Peter Severin that the Berejiklian Government has decided it will no longer publicly announce Aboriginal deaths in custody in New South Wales.

One of the key recommendations of the royal commission was that the Coroner be required to report annually to the Attorney General as to Aboriginal deaths in custody and that a report be tabled in Parliament. Mr Severin seemed unaware of this. He said, "We do not publicise deaths in custody now." He also said, "We do not have a policy that proactively informs the public of deaths in custody." What is most disturbing is that Mr Severin he said it was "not appropriate" to advise the public of deaths and it would "cause a lot of anger, a lot of angst and a lot of grief". This was extraordinary. It seems that the Berejiklian Government is more concerned about the impact of the news of a death in custody than the circumstances that surrounded the death itself. The royal commission found it was critical that there should be greater accountability and transparency in reporting deaths. The Aboriginal Legal Service still supports this policy. Yet, even here we see a cloak of secrecy—a feature of this Government—drawing down. That said, any announcement must follow the official notification of a deceased person's family.

At that budget estimates hearing we also heard that "hanging points", which can be used by prisoners to self-harm, still have not been removed from cells in New South Wales. Mr Severin spoke of this as a new challenge to respond to, noting that hanging points are not designed in new prisons. I guess we will have to wait until all the prisons are rebuilt. But this is not new. The removal of hanging points has been a recommendation in repeated Coroners' reports in New South Wales. It was even a recommendation in the 1991 royal commission. Thirty years ago, our communal shame of Aboriginal deaths demanded transparency and action. Now this Government offers secrecy and obfuscation. Sadly, the shame continues in New South Wales.

Motions

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reference

The Hon. ADAM SEARLE: I move:

That private members' business item No. 1073 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (15:30): I seek leave to amend private members' business item No. 1073 outside the order of precedence by omitting paragraph "5 (f)" in paragraph 5 (h) and inserting instead paragraph "5 (g)".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

- (1) That, under section 73 of the Independent Commission Against Corruption Act 1988 this House refers to the Independent Commission Against Corruption [ICAC] for investigation and report:
 - (a) the circumstances by which the Premier, during her time as Treasurer, came to meet with the former member for Wagga Wagga, Daryl Maguire, and "Central Council Western Division" regarding the Cobb Highway, despite the highway not passing through Mr Maguire's electorate and not having any relevance to his other parliamentary duties;
 - (b) the Premier's failure to report this meeting to the ICAC once she became aware that Mr Maguire owned property adjoining the Cobb Highway, (and once it had been revealed at the ICAC that Mr Maguire had sought to use his position as a member of Parliament for personal enrichment);
 - (c) the circumstances by which Country Garden Australia, now known as Risland Australia, came to own 364 hectares of land in Cawdor, in the preferred corridor for the M9 Outer Sydney Orbital [OSO];
 - (d) the circumstances by which Country Garden Australia came to predict that the M9 Outer Sydney Orbital route would pass through the north east corner of their Cawdor site before the final corridor had been publicly announced, and the possibility that they had access to any confidential information to that effect;
 - (e) the Premier's failure to declare a conflict of interest whilst chairing meetings of Ministers and local members of Parliament regarding the M9 Outer Sydney Orbital, despite her partner Daryl Maguire having a financial relationship with Country Garden Australia;
 - (f) the Premier's refusal to answer repeated questions on these matters at the Portfolio Committee No. 1 - Premier and Finance budget estimates hearing on 4 March 2021; and
 - (g) any related matter.
- (2) A message be sent to the Legislative Assembly informing it that the Legislative Council has this day agreed to the resolution and, pursuant to section 73 of the Independent Commission Against Corruption Act 1988, requests the Legislative Assembly to pass a similar resolution.
- (3) That in the event that the Legislative Assembly does not pass a similar resolution and inform the Legislative Council within two sitting days of receipt of a message from the Legislative Council, the Clerk is to communicate the resolution of the House to the Independent Commission Against Corruption.
- (4) That this House notes that:
 - (a) in evidence to the ICAC, Daryl Maguire stated that he and the Premier were in a close personal relationship from either late 2014 or sometime in 2015, while the Premier stated that she and Mr Maguire were in a close personal relationship from around the time of the New South Wales State election in March 2015;
 - (b) on 7 October 2016, Mr Maguire purchased a property at 30 Livingstone Street, Ivanhoe;
 - (c) on 17 November 2016, the Premier, who was Treasurer at the time, met with Mr Maguire and "Central Council Western Division" to discuss the Cobb Highway;
 - (d) the Cobb Highway passes directly through Ivanhoe but does not pass anywhere near the Wagga Wagga electorate, which Mr Maguire represented at the time;
 - (e) on 5 September 2017, in a phone call recorded by the ICAC, Mr Maguire told the Premier:

"And they like my idea of an Airbnb for the Ivanhoe houses so I'll have to work that one out next, anyway", the Premier did not ask what he was referring to;

- (f) on 8 September 2017, Mr Maguire purchased a property at 32 Livingstone Street, Ivanhoe; and
 - (g) funding for the Cobb Highway and Silver City Highway upgrade project escalated dramatically after the meeting involving the Premier and Mr Maguire, from \$9.8 million in 2015 and \$11.5 million in 2016, to \$15 million in 2017, \$26.7 million in 2018, \$44.3 million in 2019 and \$61.6 million in 2020.
- (5) This House further notes that:
- (a) in evidence to the ICAC, Daryl Maguire stated that he was introduced to Country Garden some time in 2014 or 2015 and was asked to assist them in buying property around Sydney;
 - (b) around December 2016, Country Garden began buying land around Cawdor, by December 2017 it owned 364 hectares on the southern side of Cawdor Road;
 - (c) in December 2017, in a submission to the Greater Sydney Commission's "Greater Sydney 2056" Plan, Country Garden stated, "Based on the information available, the current alignment of the M9 Orbital will pass through the north-east corner of the site, with a potential for an interchange at Remembrance Drive, providing access to Picton, Camden and the Cawdor site";
 - (d) the recommended corridor for the M9 Outer Sydney Orbital was not announced until March 2018, when the route selected passed through the north-east corner of the Country Garden Australia site;
 - (e) Risland Australia said the following in relation to the information it relied upon to make its submission to the Greater Sydney Commission, "Risland relied on publicly available plans on road routing that were provided as exhibits by Transport for NSW in 2015";
 - (f) on at least 14 February 2018, the Premier was aware that Mr Maguire was engaged in business dealings with Country Garden, Mr Maguire mentioned his involvement with Country Garden on that date in a telephone call recorded by the ICAC, the Premier did not ask what he was referring to;
 - (g) between March and June 2018, the Premier chaired meetings with then roads Minister Melinda Pavey, transport Minister Andrew Constance, then member for Wollondilly Jai Rowell, then member for Camden Chris Patterson and other members of the Government regarding the route of the M9/Outer Sydney Orbital and community concerns in the seats of Camden and Wollondilly;
 - (h) the meetings detailed in paragraph (5) (g) resolved, with the Premier's endorsement, to build a M9/OSO tunnel from Cobbitty to "south-east of Cawdor Road", which the Government announced on 22 June 2018, and where the tunnel's exit point would have created the road interchange Country Garden had been seeking to open up its proposed 4,000-lot Cawdor Road housing estate, creating a clear and substantial financial benefit for Mr Maguire's client;
 - (i) the Premier participated fully in the meetings and did not declare a conflict of interest; and
 - (j) on 16 July 2018, Tim Raimond, an official at Transport for NSW, wrote in an email to himself: "OSO – discuss with MVT, Chinese investor buying up land – who has been talking to who ... what, MPs being briefed, how did Daryl McGuire get that info (Wagga)".

I will not labour the matters contained in this motion. In relation to the upgrade of the Cobb Highway, these matters were sought to be ventilated through budget estimates hearings with the Premier. When one looks at the sequence of facts here, one sees that although the Cobb Highway upgrade had commenced before Mr Maguire bought his properties at Ivanhoe—and those properties were to be materially and beneficially impacted by the highway upgrade—from the time he made those purchases the Government's investment in the project ratcheted up quite considerably: \$9.8 million in the 2015 budget, \$11.5 in the 2016 budget, \$15 million in 2017, nearly \$27 million the following year, over \$40 million in the year after that and nearly \$62 million in 2020. That is an escalation bringing benefit to the properties along the Cobb Highway and, of course, Mr Maguire's property as well.

The mystery here is that we know the Premier conducted a meeting with relevant councils at Ivanhoe with Mr Maguire. She was not the roads Minister; she was the Treasurer—and of course the chair of the Expenditure Review Committee [ERC] would have some input into the funding of this matter. Mr Maguire's electorate was 140 kilometres away. The two MPs impacted at that time—Mr Piccoli, the member for Murrumbidgee, and Mr Humphries, the member for Barwon—were nowhere to be seen. It was a most unusual gathering and one that the Premier did not wish to answer questions about to *The Sydney Morning Herald* when it made inquiries. She did not want to answer very polite questions put by me at budget estimates hearings.

I asked her two questions: How did the meeting come about? And who organised it? After a lot of interchange, the Premier came nowhere near engaging with this matter. It is almost like she had something to hide about the matter. This matter needs to be referred to ICAC because it involves the investment of a significant amount of public assets in the upgrade. The Premier said an upper House inquiry recommended this happen years before. But many earnest and worthy reports of this House do not translate into tens of millions of dollars of government investment. We need to know how and why that meeting took place, and how and why so much money came to be invested in that upgrade.

The motion also relates to Country Garden land at Cawdor. Paragraph 5 makes clear that Country Garden—or Risland as it is now known—said it relied on publicly available information to make its decisions about land. We also know that the corridor for the M9 Outer Sydney Orbital was not announced publicly until March 2018. The previous December, Country Garden was making representations about where the corridor would go at a time when it was not public knowledge. If one refers to subparagraph (j), the document produced under Standing Order 52 was claimed as privileged. The privilege was lifted and a senior public servant at Transport for NSW wanted to know how did Mr Maguire get hold of this information. That public servant has subsequently made his own inquiries and was satisfied. But this matter is far from satisfactorily resolved.

It is quite clear, at a time when there were interests there when Cawdor had the investment, the Premier was chairing meetings of the Government and making decisions about where the tunnel would come out, beneficially impacting the land owned by Country Garden. We do not know whether relevant disclosures were made by the Premier. It is a matter of record that at that time she was in a close personal relationship with Mr Maguire. That is a matter of record. If she did not declare that and was chairing meetings that made beneficial decisions that impacted his investments or Cawdor's, that is a real problem. The matter should be investigated by ICAC.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:35): The projects that accompany this referral are both longstanding projects that represent the considerable investment in highways that has occurred under this Government. The only things that are referred to in this motion are matters that have already been canvassed by the ICAC, or have been contrived by the conspiracy theorists opposite. The sealing of the State's regional highway network, including the Cobb Highway, has been a longstanding project of the New South Wales Government. As the Leader of the Opposition mentioned, there was a unanimous recommendation of the 2011 Legislative Council report into economic and social development in central western New South Wales stating that the Minister for Roads develop a planning schedule to complete the sealing of the Cobb and Silver City highways as soon as practicable. The Government's approbation of such a project is hardly a secret.

Regarding the M9 Orbital, the Opposition's motion is a bizarre theory that somehow Country Garden got the route of the highway from Daryl Maguire. The information about the broad corridor for the M9 was not secret. It appeared on page 10 of the appendices to the June 2017 report by Infrastructure Australia called *Corridor Protection: Planning and investing for the long term*. I am advised that the land in question is a natural choke point between the Elizabeth Macarthur Institute to the east and the Old Hume Highway to the west. Presumably Country Garden bought a land bank position in the protected corridor at a natural choke point that constrained the alignment of the M9. This motion is not grounded on any evidence of wrongdoing; instead, relies on a series of unsustainable theories. It is a motion whose sole purpose is to distract from the present woes of the Opposition. It contains nothing new or revelatory that should distract the Independent Commission Against Corruption from its present important work. Therefore, it should be opposed and will be opposed by Government members.

The Hon. MARK LATHAM (15:37): One Nation supports the motion. I reflect on the comment made by the Leader of the Government about conspiracy theories. The truth is all these matters that are being referred to ICAC, all the controversies about Daryl Maguire and Gladys Berejiklian, would have been cleared up if the Premier had declared the close personal relationship with her boyfriend, who was, as it turns out, a crooked member of Parliament. The only conspiracy I can identify is the mystery as to why the Premier of this State—first as Treasurer, then as the head of government—maintained for six years a secret, dual life. There was private Gladys having a relationship—that is fair enough—but public Berejiklian thought you could separate the two.

Time after time—including the two matters referred to ICAC here—there was a huge overlap between the Premier's public responsibilities and her private relationship with her crooked boyfriend. Where the overlap occurred her public duty to the people of New South Wales broke down time after time. It is really hard work to maintain a secret relationship in politics for six days, let alone six years. But that is what has happened here. Piece by piece the nature of it behind the scenes has become more visible. I can reflect here on the Cawdor question. I live near there in south-west Sydney. There is no natural choke point. These are rural roads on rural lands.

Clearly Country Garden, a client of Daryl Maguire, had some form of advanced knowledge to buy 400 hectares at \$80 million. It had advance knowledge to know exactly where the road corridor was going, three months before its public announcement. It had exact knowledge of what was going on when it requested from the Greater Sydney Commission the location of the interchange to open up its property at Cawdor Road, Cawdor. There was a huge public outcry after the announcement of the corridor in March 2018. The member for Wollondilly and the member for Camden were worried about their electorates. They held meetings, chaired by the Premier that devised the tunnel plan that came out at an exit point at Cawdor Road, Cawdor, which gave Country Garden the interchange it needed to open up the housing estate.

The people of New South Wales and the good governance of the State cannot tolerate that for a nanosecond. If the Premier chairs a meeting that gives a big property developer what it wants for the future when that property developer is a client of her secret boyfriend, it is a cover-up of corruption. A cover-up of corrupt conduct by the Premier of New South Wales who only had to do one simple thing: declare the relationship so it was out on the table. At that meeting about the tunnel, the member for Wollondilly wanted the tunnel to go right through to the Hume Highway at Menangle. There were various options but somehow the option that was adopted is the one that favoured the commercial interests of Country Garden and the financial interests of Daryl Maguire. It is a disgrace. It needs clarification and investigation by ICAC.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:40): This motion and the allegations made by the Hon. Mark Latham do no credit to this House. The Hon. Mark Latham has asserted that he is in a position to make a finding that ICAC has the ability to make on the material available before it already. He has set himself up as judge and jury. He has decided that it is corrupt conduct and has found the Premier guilty. Consequently, this motion is founded on his findings. On any reading, that traduces the role of ICAC. It should be assessing evidence, not speculation or conspiracy theories and not because the Hon. Mark Latham has now found out that the Premier was in a relationship with Daryl Maguire—ipso facto she is guilty of corruption. The Hon. Mark Latham is asking us to rely on that assertion for the purposes of this House asking the Parliament to make a referral to ICAC.

We all know it is a stunt. All members opposite know they can sign a letter to ICAC tomorrow without the approval of the House asking it to investigate. They also know that this motion will be defeated in the Legislative Assembly, so it is a stunt. It is the way those opposite have conducted and used this place for their stunts. We saw it this morning when they moved a motion to get it into this afternoon's papers. It is there already to roll out—"Premier embarrassed". I am sure they had it ready to go. They use this place for the purposes of their stunts and at a time when their leader is under significant pressure from unions that have lost confidence in her. Former Premiers have come out—

The Hon. Adam Searle: Point of order: I have made this point of order at least three times today. The Leader of the House should well be on notice that he is not to impugn members of the Legislative Assembly or indeed this House except by way of substantive motion. The Minister knows that well and he is transgressing so call him to order please, Mr Assistant President.

The Hon. DAMIEN TUDEHOPE: To the point of order: Quite frankly, I have not impugned the Leader of the Opposition in the Legislative Assembly. I have merely quoted what is on the public record; that is not impugning. I am saying that material is available that underpins the reason that members opposite want to use this House as a distraction for their political stunts. This motion today is another political stunt and should be rejected. [*Time expired.*]

The Hon. JOHN GRAHAM (15:44): I have seen some ducking and diving in my time, but the Premier was remarkable at budget estimates. She declined to answer question after question on this and other matters. As other members have already said, central was the question: Why not declare a conflict of interest? It would clear up this matter by putting on record what should have been put on the record. It would have been so much simpler. Instead, the Premier's response was a barrage of taking offence and arguing that she had never been accused of anything. I clearly put on record that the Opposition is accusing the Premier of New South Wales of not declaring a conflict of interest. That is at the heart of this matter and that is what should have occurred. A string of other things follow from it. That is the accusation. This House should not be the judge of those matters. They should be referred to ICAC and considered in other places. The Premier is wrong to say no-one is accusing her of wrongdoing. The Premier is accused of not declaring a conflict of interest as the leader of this State.

On the matter of Cawdor and this Nostradamus-like company, Country Garden, the Premier's office has made the same argument made by the Leader of the Government in the House today that there were documents floating around. They pointed to a range of them to try to distract our attention. The Infrastructure Australia report in June 2017 is one of those documents and the draft Future Transport Strategy 2056 is another. The Government's problem is what Country Garden said about where it got the information. "Risland relied upon publicly available plans on road routing in the area that were provided as exhibits by Transport for NSW in 2015."

The company gives the lie to the position that the Premier's office and the Leader of the Government want to put in this House. When asked, Transport officials looked at the 2015 document with what they describe as a purple haze—a deliberately broad route so people and companies did not profit from those decisions and said it would be impossible to draw the route that the company drew. The distractions about Infrastructure Australia are defied by the fact that the company itself said something else. At no point has the Government addressed that matter. It is impossible to do what the company did—that is, draw the map it then handed to the Greater Sydney Commission after having looked at the purple haze on the 2015 map.

This is not a stunt. The Leader of the House has misjudged this matter badly. I was happy to take on some of the bad behaviour in Labor in the former Labor Government. I am equally appalled now by what is going on in this Government. This is not a stunt. We will keep pursuing this matter because it involves the Premier, the Premier's office and behaviour which should not have occurred in New South Wales.

The Hon. ADAM SEARLE (15:47): In reply: I thank honourable members for their contributions: the Leader of the Government, the Leader of the House, the Hon. Mark Latham and the Hon. John Graham. It is important to note the point made by the Hon. John Graham—that is, we are not seeking to be judge and jury in this matter. But there is enough on the public record to accuse the Premier of failing to make relevant disclosures, and to raise significant questions about how Country Garden came to make the investment it did and its assertions about the corridor of the M9 at the points in time at which it did. There is enough information that warrants investigation by the relevant anti-corruption body, the ICAC. I agree that any member or any citizen can make their own referral but the Parliament has enacted a legislative regime for parliamentary reference. As far as I am aware, it did so in 1988 and it has been part of the apparatus of the ICAC legislation. We are seeking to invoke that regime with the weight that it carries, political will being present, through this House and the other place if the Government has got nothing to hide.

If the Government should seek to block this motion in the Legislative Assembly then, of course, this motion provides that, as we did in November 2020, this House should make its own referral. Having the weight of this House does give the matter greater urgency than if a single member or smaller group of members were to sign individual references. This is not a stunt. These are serious and weighty matters. We know, as a matter of fact, the Premier did not make relevant disclosures in the conduct and discharge of her duties as Premier of that relationship with Mr Maguire. It is beyond argument. It is a matter of record. The issue is about those other matters.

It is not about the Cobb Highway project per se. It is about the acceleration of investment. Governments can fund projects over a longer or shorter period of time but the issue is whether or not the quantum of investment was influenced by that relationship. As Treasurer, the Premier was chair of the Expenditure Review Committee [ERC]. Despite her assertion at estimates that she had no role in the allocation of funds for projects, it is a matter of record. Ministers do not allocate a global fund to various projects willy-nilly. Major projects come from Ministers, they go to the Expenditure Review Committee and, if approved, that money is put into the portfolios for the Ministers to allocate to those projects. The now Premier, as chair of the ERC at the time, was in a pivotal position and did oversee the severe escalation in funding of this project, which happened to benefit her partner's financial investment. The non-disclosure of that connection warrants investigation, as does the Cawdor matter. The facts are clear. We are asking ICAC to investigate.

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

The House divided.

Ayes24
Noes17
Majority.....7

AYES

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

NOES

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

Motion agreed to.

*Bills***MARINE POLLUTION AMENDMENT (REVIEW) BILL 2020****Messages**

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

*Documents***STRIKE FORCE WYNDARRA****Production of Documents: Order**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1091 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (16:00): 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 November 2019 in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Police and Emergency Services, Department of Communities and Justice or NSW Police Force, relating to Strike Force Wyndarra and the investigation the subject of the strike force:

- (a) all documents relating to any proposal or request (including internet proposals or requests) for the NSW Police Force to travel to South Australia to interview the complainant the subject of Strike Force Wyndarra, including:
 - (i) all proposals or requests made;
 - (ii) all responses received;
 - (iii) all internal communications relating to any proposal or request, including any records of meetings or discussions between any members of the NSW Police Force;
 - (iv) all policies, advices, memorandum or any other guidance in place at the time regarding proposals or requests for interstate travel by the NSW Police Force; and
 - (v) all records of any and all meetings or discussions between Commissioner Fuller and Deputy Commissioner Hudson regarding actual or proposed interstate travel by the NSW Police Force.
- (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.

Between 21 and 28 November 2019 the investigation into the allegation of sexual assault by the Federal Attorney-General was transferred from South Australian to New South Wales police. This is a matter on which there has been a very significant amount of public discussion. The first contact between the complainant in the matter and the New South Wales police, however, was three months later, with a phone call on 26 February from the complainant to New South Wales police. The day after that phone call, on 27 February, she met with Kings Cross police. Strike Force Wyndarra was established to undertake the investigation on 4 March 2020.

Following answers that were provided by the Commissioner of Police in budget estimates last Friday, we now know that police in the strike force sought to travel to South Australia to speak to the complainant and they sought to travel between 15 March and 18 March last year. However on 13 March 2020, just two days before the travel was to happen, we now know that that application was refused by Deputy Commissioner Hudson. There are a number of comments I will make about that. First of all, as at 13 March last year there had been only 17 COVID-19 cases in all of South Australia. At the same point in time there had been 92 confirmed COVID-19 cases in New South Wales. In Commissioner Fuller's budget estimates evidence on Friday he stated that the primary reason why no police travelled to South Australia was because of COVID restrictions. When pressed further, Commissioner Fuller stated:

My understanding, it was not safe at that time. That was when COVID was at its worst for anyone to travel.

He said further:

It was about work health and safety, that COVID was running rampant at that time.

When I questioned him further about who it was that declined the request, he said:

It was Deputy Commissioner Dave Hudson on the basis of the rules that I put in place broadly on travel outside of the State of New South Wales. I am 99 per cent sure that that was a State Government edict in terms of travel.

It was not until 22 March 2020 that the South Australian Premier announced the closure of South Australia's borders on and from 24 March, and that was to protect South Australia from others entering from outside of

South Australia, particularly Victoria and New South Wales. In fact, the South Australian Premier's statement at the time was:

The move will help delay community transmission of the disease which is happening in other parts of Australia, in particular the eastern states.

"I'm ordering the effective closure of our borders to protect the health of South Australians by slowing the spread of the virus," Premier Marshall said.

Even once South Australia's border closed, there were still thousands of essential and non-essential travel permits granted to allow people from New South Wales and the rest of the country to enter into South Australia. Remember, the border did not close until a week and a half after the decision was taken not to send New South Wales police to South Australia. Data that has been tendered to the COVID-19 response committee in the South Australian Parliament makes it clear that in the first month of the border closure in South Australia there were in fact 9,241 essential travellers who were given permission to travel to South Australia and 10,750 non-essential travellers who were permitted to cross the South Australian border.

If over 20,295 people were able to travel to South Australia within a month of the border closure, it is very hard to see what it was that prevented New South Wales police from crossing the border to take the statement. On any view of it, there was a lower risk of acquiring COVID-19 in South Australia for New South Wales police than there was in New South Wales at the time. We have to ask: If COVID-19 was not the reason to not take the statement, then what was? That is why I am moving this call for papers under Standing Order 52. I am moving it to find out what the records are, what was the basis for the decision not to send police to South Australia on 13 March last year, why Strike Force Wyndarra's request was reviewed by Deputy Commissioner Hudson, and what, if any, role did Commissioner Fuller have in that decision. These are answers that I believe all of Australia is looking for and that is why I commend this call for papers to the House.

The Hon. SCOTT FARLOW (16:05): The Government does not oppose the motion.

The Hon. TREVOR KHAN (16:05): I am not going to be critical of Mr David Shoebridge in any way. This is an important issue. The budget estimates on this issue worked very well. Commissioner Fuller came along and while I concede there was a degree of interplay early on between Mr David Shoebridge and Commissioner Fuller which was awkward, as the day went on their relationship became far more productive. By way of example, while a lot of questions were taken on notice by the commissioner, it took little to convince him that the appropriate way to proceed was for a list of questions to be provided to him. He then sent away—without being in any way derogatory—his minions to try to get answers to those questions.

Mr David Shoebridge: Which came in the early afternoon.

The Hon. TREVOR KHAN: The answers came early in the afternoon. There were 36 questions, I think, not all of which had been asked orally during the hearing. Nevertheless, the commissioner took them on board and attempted to deal with them in good faith. He would have been the first to concede that not all matters were answered, simply because of the shortness of time. Nevertheless, there was what I believe to be, and I think generally the committee accepted, a genuine attempt by Commissioner Fuller and indeed the NSW Police Force to assist us at budget estimates in landing on some outstanding matters.

Mr David Shoebridge's call for papers under Standing Order 52 might be a bit premature but obviously the Government has decided to cooperate. Nevertheless, I believe Commissioner Fuller and the New South Wales police engaged in the process in a genuine spirit, and indeed Commissioner Fuller said that he would go back and look at some matters. I think it was reported in a newspaper that he made genuine observations with regard to the way in which police deal with matters such as this, although this matter is truly tragic on a whole series of levels. Even though a number of comments may be made about this matter, I hope that we all leave this Chamber in the certain knowledge that this call for papers under Standing Order 52 is being made at a time when the police are seeking to be cooperative in looking at matters again and also in providing us with further material. Again, there is further material to be provided from budget estimates. I doubt Mr David Shoebridge disagrees with anything that I have said, and nothing that I have said has been intended to be critical of him because he has acted in a genuine spirit as well.

The Hon. JOHN GRAHAM (16:08): I speak to this issue on behalf of the Opposition. Sometimes the process of these call for papers can be conflictual, but this matter has been an excellent example of how the Chamber can work. I thank the Hon. Trevor Khan for his comments, which provide important context for members as they make this decision. The Opposition supports the motion moved by Mr David Shoebridge. I thank him for moving it. As all members know, there is very significant public agitation around this issue that goes to an important question about the administration of justice. Every question deserves to be answered in that spirit given the concerns that are clearly held across the community and the country.

I thank the Government for not opposing the motion. I think that is really helpful. I will make two other observations. Firstly, in supporting this motion Opposition members are not prejudging any of the questions that have been raised. But given that there is significant public concern, we think the member has the right to move the motion and we support it. Secondly, I concur with the remarks of the Hon. Trevor Khan in congratulating the commissioner on his recent helpful public comments. I cannot recall any other similar pointed comments by a Commissioner of Police in the past, but I could easily be wrong. The police commissioner speaking out publicly in the way that he has is particularly helpful at the moment.

Mr DAVID SHOEBRIDGE (16:10): In reply: I appreciate the contributions to the debate of the Hon. Trevor Khan, the Hon. Scott Farlow and the Hon. John Graham. I do not take issue with anything that has been said by any of them. In the circumstances, it is tempting to order papers under Standing Order 52 with a seven- or 14-day turnaround to try to make this a partisan issue. For the record, there was a fairly fractious exchange with the Commissioner of Police. I did not think he was going out of his way to assist in providing full answers at the beginning of the day but matters improved, and that was good for public administration in New South Wales. We received the requested document in a timely fashion, which provided significantly more information than we received from Commissioner Fuller during the morning of the hearing. So I will not challenge any of that narrative. It is accurate because by the end of the day we received significant assistance and we had moved matters on.

In the time since I have had the opportunity to reflect on the answers provided and put them into the context that I gave when seeking further information. That context troubles me significantly for the reasons that I laid out in my contribution to the Standing Order 52 debate. I will wait until I see the documents to understand where they take us. I want to be clear: The context troubles me. The timing troubles me significantly for the reasons that I set out in my initial contribution to the debate. I thank members for their contributions. I thank the Government for not opposing the motion. I commend the motion to the House.

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

Motion agreed to.

Bills

REAL ESTATE SERVICES COUNCIL BILL 2019

Second Reading Debate

Debate resumed from 24 October 2019.

The Hon. SCOTT FARLOW (16:13): I make a contribution to debate on the Real Estate Services Council Bill 2019 on behalf of the Government. The Government will not support the bill. I know that there will be a Committee stage on the bill later. The bill proposes to establish a new government agency, the Real Estate Services Council led by the Real Estate Institute of New South Wales, to take over some of the current regulatory functions of the Commissioner for Fair Trading and advise on matters relevant to the property and real estate services industry. The risks associated with the bill are significant. It seeks to essentially allow partial self-regulation of the industry by its own members. The risks that come with going down that path are at the core of the Government's concerns with the bill.

The Government's other major reasons for opposing the bill include the important role that NSW Fair Trading plays in regulating and supporting the industry and consumers. The Government has already delivered a suite of reforms that address the concerns which underpin the bill. To allow even partial self-regulation would jeopardise the progress made in improving regulation of the real estate industry. With thousands of consumer complaints being made to Fair Trading about property agents every year and agents who defraud trust accounts, this industry is not ready for self-regulation. The property services industry already has a clear and effective structure for oversight and regulation, and that is through Fair Trading.

It is clear from the Hon. Mark Banasiak's second reading speech on the bill that the proposed council has been largely driven by the view that Fair Trading is not capable of regulating the industry. The Government does not accept that view. On the contrary, NSW Fair Trading assists with the resolution of thousands of property-related consumer complaints every year from tenants, landlords, prospective purchasers and home owners. Fair Trading has also demonstrated its value as a robust and skilled enforcement agency where more serious breaches of the law have been found.

Since November 2019 the Government has rounded up 12 real estate agents responsible for illegally pocketing \$6 million to pay for holidays, gambling and luxury cars. Over the same period, Fair Trading issued 484 penalty notices to licensed professionals under the Property and Stock Agents Act 2002 for breaches of the law, with fines totalling over \$568,000. The message is clear: Fair Trading's role as a regulator ensures that acts

of dishonesty, which are totally unacceptable to others in the industry and the broader community, are met with substantial penalties for convicted offenders, including jail time. As the figures demonstrate, there is still an unacceptably high level of noncompliance from those working in the real estate industry. It is clear that the industry has more work to do to lift the professional standards of its members. Therefore, the industry is not ready to act as a co-regulator of its members.

The expertise of Fair Trading is augmented by regular and quality engagement with all sections of the real estate and property industry beyond just real estate agents. It is sometimes overlooked that other important professions are regulated under the Property and Stock Agents Act, including business brokers, stock and station agents, onsite residential property managers and strata managing agents. The industry does not just include real estate agents, it also includes members from a raft of other professions who work hard and deserve representation. Several thousand licensed strata management agents collectively manage a large majority of the State's 81,000 strata schemes, and that number is growing fast.

The peak professional body for strata managing agents in New South Wales, the Strata Community Association, is conspicuously absent in the bill from membership of the Real Estate Services Council. The claim that Fair Trading has refused to participate in industry consultation is wrong. On the contrary, since coming to office a decade ago the Government has redoubled its efforts to listen to the voices of industry representatives and consumers to ensure a balanced and effective approach to regulation in the sector. Until recently sector engagement was primarily managed through the Real Estate Reference Group, which was established in 2015.

The group consisted of representatives from various industry organisations, including the Australian Livestock and Property Agents Association and, for its first three years, the Real Estate Institute. The bill includes those organisations as members of the Real Estate Services Council. The reference group served its purpose given that the property services sector reforms commenced on 23 March 2020. Minister Kevin Anderson, a friend of this place, has responded to the need to continue the dialogue with the industry to best understand the issues impacting real estate professionals to ensure that the Liberal-Nationals Government can respond with the right policy to the right people at the right time.

To that end, Minister Anderson announced the establishment of the property services expert panel in December 2020. The panel will consist of a broader and more diverse range of stakeholders compared to the previous reference group to enable clear and open two-way communication between the Government and key players in the property services industry. This diversity of opinion is critical to ensure that the property services expert panel best reflects the whole property services industry. It has always been the Government position that deep and quality engagement with the industry is critical to ensure successful regulation, and the current regulatory arrangements achieve that.

Work to stand up the property services expert panel is well underway, with industry nominations already received and the announcement of the panel chair and members due in early April. The regulatory model proposed in the bill also runs counter to the direction of regulatory policy in consumer protection that has been undertaken in recent years. Fair Trading is an economy-wide regulator and a consumer protection agency independent of the industries that it regulates, which is vital to its credibility and accountability in acting in the public interest. The real estate and property sector consistently accounts for around 10 per cent of the 43,000 consumer complaints handled by Fair Trading every year. These include complaints about serious misconduct such as trust account defalcations, which strongly suggests that the industry is not ready for self-regulation, as proposed in the bill.

The real estate and property sector consistently accounts for around 10 per cent of the 43,000 consumer complaints that are handled by Fair Trading NSW every year. They include complaints about serious misconduct such as trust account defalcations, strongly suggesting that the industry is simply not ready for self-regulation as proposed in the bill. There is a general trend towards consolidation of functions into generalist regulators; industry-specific bodies are not preferred nowadays. Too often they carry the risk of regulatory capture, which happens when a regulatory agency becomes dominated by or too intimate with an industry it regulates. In particular, the bill provides for a governance structure in which the Real Estate Institute of New South Wales may nominate three members, as opposed to other groups, which are only allocated one representative. Allocating one-third of the council's seats to the Real Estate Institute of New South Wales is not equitable or fair. The institute does not represent all real estate industry practitioners; in fact, it does not even represent a third of them.

Similar councils to the one proposed in the bill have been abandoned for lack of tangible return on investment of the Government's time and resources. The bill proposes a statutory authority similar to the one established under the repealed Real Estate Services Council Act 1990, which was abandoned with the creation of the former Department of Fair Trading in 1996 under a Labor government. This private member's bill would have us return to those older regulatory models, which have been abandoned over the decades at both State and Commonwealth level due to a lack of rigour in prosecuting misconduct and a lack of vigour in protecting consumers and pursuing the public interest.

The higher risks for consumers in property transactions highlight the ongoing need for independence in regulating this important industry. This month the Australian Bureau of Statistics reported that the total value of residential dwellings in Australia increased by \$257 billion to more than \$7.7 trillion, with a substantial part of that value increase within New South Wales. There were over 150,000 property transfers in New South Wales in 2020 alone. Put simply, the property services sector is too big and too important for its regulation to be handed over to an industry-dominated council.

It is also important to note that the Government recently delivered significant reforms that already address many of the concerns underpinning the bill. As noted by the Hon. Mark Banasiak, for too long the property services industry has been marked by inadequate education and training standards. This is why on 23 March 2020 the Government introduced its suite of reforms with the commencement of the Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018. Amended regulations, a new ministerial qualifications order, overhauled continuing professional development requirements and new supervision guidelines also commenced on 23 March last year. The reforms delivered on the 2016 Government's commitment to improve standards and professionalism in the property and real estate services industry.

The reforms streamline the licensing framework for agents, increase the qualification requirements and tighten governance and accountability within agencies, especially in relation to trust accounts and overall supervision. For example, certificate of registration holders are now required to complete an approved certificate IV qualification in property services as part of their continuing professional development and to obtain a licence within four years of registration. These changes require agents to continuously upskill and build on their expertise so that vendors, buyers and renters can have confidence in the professionalism and reliability of the agents they deal with. Ultimately, the Government is driving better compliance and consumer protection outcomes in a better functioning New South Wales property market.

In developing the reforms, the Government undertook extensive consultation with the former Real Estate Reference Group. The reforms were also based on recommendations from an independent review of agents' training and educational requirements that was undertaken in 2015. This was followed by a public consultation process on a range of supporting instruments to the amendment Act, including the regulations, a qualifications order and enhanced continuing professional development requirements. Now, at the one-year anniversary of these reforms, we need to support the industry to understand and comply with its obligations. The Government is concerned that any sudden effort to change the status quo will cause significant confusion in the industry and seriously undermine the momentum and benefits of the reforms that were enacted last year.

Property agents act on behalf of consumers in the biggest transactions of most people's lives: the sale, purchase or leasing of a residential dwelling, rural property, commercial premises or business. Agents deal with large sums of money and are entrusted to manage valuable rental properties and strata schemes. It must also be acknowledged that, historically, the reputation of property agents as a whole has been plagued by unacceptable conduct by some in the industry, including misrepresentations, undisclosed commissions and benefits, unfair contract terms, an unresponsive attitude to complaints from vulnerable consumers, defalcation of money held in trust, and other forms of fraud and deception. We went through the complaints that had been lodged with NSW Fair Trading just last year.

Those are the fundamental reasons why we have a detailed and specific regulatory regime for real estate and property agents in New South Wales and every other State in Australia. Importantly, those laws are backed by the compliance, enforcement and consumer assistance resources of NSW Fair Trading. The Government is committed to ensuring that regulation of the real estate and property services industry is reasonable and responsive to the needs of consumers in New South Wales. The Government is not convinced that re-establishing the Real Estate Services Council would assist in this endeavour. That is why the Government does not support the bill.

The Hon. DANIEL MOOKHEY (16:24): I am pleased to lead for the Opposition in debate on the Hon. Mark Banasiak's Real Estate Services Council Bill 2019. I congratulate the member on introducing the bill. The Opposition does not oppose the bill but will be moving amendments at the Committee stage. The objects of the bill are to establish and confer functions on the Real Estate Services Council for New South Wales. Currently, the real estate industry is regulated by the Property and Stock Agents Act. The 2016 census shows that there are 37,703 agents in New South Wales and that the average agent is a woman in her 30s working in the city and earning about \$58,468.

In New South Wales real estate is a \$107 billion industry by turnover annually, based on the value of residential property sales each year. On issues such as continuing professional development, regulatory requirements have been wound back over time and it is clear that many in the industry no longer believe the industry is adequately supported or regulated. In 2013 the Government amended the Property, Stock and Business Agents Act to make further provision with respect to agency agreements, trust accounts, unclaimed trust money

and stock options, and for other purposes. In his second reading speech for the groundbreaking Property, Stock and Business Agents Bill 2002, former Minister for Fair Trading the Hon. John Aquilina said:

This bill is the product of the first major overhaul of the property services industry in this State since 1941. Its threshold reforms will catapult the regulation of the property services industry into the twenty-first century. Consumers buying and selling homes will benefit from its far-reaching and innovative proposals that raise consumer protection to a level that acknowledges the significance of property transactions in people's lives. The bill will make the buying and selling process more transparent by deterring dummy bidding at auctions and prohibiting misleading statements by agents about the estimated selling prices of properties.

Mr Aquilina continued:

Agents too will benefit. The bill will simplify the licence application process, improve industry standards, and lighten the regulatory burden for licensees. These reforms will create a fairer property marketplace. Industry players who flout the standards of honesty and integrity expected by consumers and industry representatives will be swiftly brought into line by a ruthlessly efficient new disciplinary process. This bill is the culmination of several years of hard work to fundamentally review the Property, Stock and Business Agents Act.

However, since then it has become clear that it is increasingly difficult for the industry to work in partnership with the regulator. It is increasingly clear that senior officials of NSW Fair Trading do not understand the industry. It is clear that NSW Fair Trading has failed to adequately protect consumers, it has failed to investigate inappropriate behaviour perpetrated by a minority of agents and it has failed to support the industry. As Labor exposed during budget estimates, it is clear that many stakeholders do not have faith in the capacity of this Government or NSW Fair Trading to properly regulate and support the industry. Opposition members asked questions at budget estimates about licensing, and we did not get answers on the day to simple questions about who needs to have a licence. The Act is very clear. Section 8, "Agents required to be licensed", states that an individual:

... must not act as or carry on the business of (or advertise, notify or state that the person acts as or carries on the business of or is willing to act as or carry on the business of):

- (a) a real estate agent, unless the person is the holder of a real estate agent's licence, or
- (b) a stock and station agent, unless the person is the holder of a stock and station agent's licence, or

...

- (d) a strata managing agent or community managing agent, unless the person is the holder of a strata managing agent's licence.

The Act provides for a maximum penalty of 100 penalty units. At budget estimates we heard about numerous stakeholder consultation groups, all of which have failed to boost goodwill in the industry and improve the industry's capacity to play its central role in the economy. If the regulatory authority cannot answer basic questions, such as who can be licensed, it is time for reform. The only solution is to establish a dedicated commissioner for the property services industry. At the Committee stage, the Opposition will move amendments to expand the council to include a representative of the Tenants' Union of NSW and the Strata Community Association (NSW).

The Hon. SHAYNE MALLARD (16:29): On behalf of the Government I speak in opposition to the Real Estate Services Council Bill 2019. In arguing why members should not support the bill, I will focus my comments on the Government's recent delivery of major reforms to the regulation of real estate and property agents in New South Wales. As members have heard from my colleague the Hon. Scott Farlow, the bill proposes to establish a new statutory authority called the Real Estate Services Council to take over some of the functions of the Fair Trading commissioner as they relate to the regulation of real estate and property agents. Establishment of this new statutory authority would introduce a measure of self-regulation of the real estate and property industry on the basis that the Government and NSW Fair Trading have failed to address concerns over inadequate education and training standards in the industry.

The Government wholly rejects that argument. This Government has, in fact, recently delivered a major suite of reforms to the regulation of real estate and property agents, with the primary aim of raising professional standards in the industry. Those reforms were legislated under the Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018, which was the product of three years of critical engagement and consultation with the industry and the public. The reform journey began in 2015 with an independent review of real estate education and training in New South Wales, which found a genuine case for lifting mandatory requirements across the board. The review took place against a backdrop of historically high numbers of consumer complaints in this sector and concerns of industry groups about the standards within the industry. I will admit I am one of those complainants. I think we have all had bad experiences with real estate agents at some point.

As a result, in 2016 the Government published a paper entitled *Real estate and property industry reform*, which committed to measures that would enhance training and qualification requirements for agents; improve supervision, conduct and accountability requirements within licensed agencies; strengthen the disciplinary powers of Fair Trading; and streamline the licensing system. The education component of the reforms was developed to align with national training packages regulated by the Australian Skills Quality Authority as well as Fair Trading

regulators from other States that are at various stages of the same reform journey as the one we have recently completed in New South Wales. As a result, all agents who want to continue working in the industry, or are entering it for the first time, are now required to become fully qualified, licensed agents within a maximum of four years from the time they start out as an assistant agent. During that time, assistant agents are required to complete their certificate IV in their relevant field and prove a minimum of 12 months supervised experience working in all aspects of the property profession.

While they are embarking on this professional pathway and before they become fully qualified, agents are restricted by law in terms of the regulated functions they can perform. For example, assistant agents are prohibited from entering into an agency agreement, which is the binding contractual arrangement between an agency and their property vendor, landlord or—in the case of strata managing agents—an owners corporation. The reforms include further restrictions on licensed agents to tighten the controls over funds held in trust by real estate agents. Only fully licensed class 1 agents, who are also nominated as the licensee in charge of business at an agency, are permitted to authorise the withdrawal of funds from a trust account. Those changes require agents to continuously upskill and build on their expertise so that vendors, buyers and renters can have confidence in the professionalism, contemporary skills and reliability of the agents they deal with.

The reforms include other important changes, such as tightening disclosure obligations on agents through the material facts prescribed by regulation. With all this in mind, the proposition that the Government has failed to address professional standards within the industry is patently false. Those reforms were developed through the robust partnership that Fair Trading has forged with industry, including peak bodies, registered training organisations, franchisors, individual agents and other regulators. To say otherwise, that somehow NSW Fair Trading or the Government have failed to involve industry in changes being made to the laws that govern them, is frankly not acceptable.

I now turn to the changes made to the Property and Stock Agents Act 2002. The reference group gave the Government extensive information about the impact of the reforms on individual participants and businesses, transitional arrangements, industry communication strategies and other implementation considerations for the reforms. The reference group was also consulted on the amending regulation, draft qualifications order and revised continuing professional development requirements, with several drafts of those instruments being provided to the reference group for feedback between February and December 2019. The consultation has been pretty exhaustive.

The Government also released those instruments for a four-week public consultation period in 2019 and carefully considered all 128 submissions received. In addition, Fair Trading held a quarterly franchisors' forum consisting of property franchise group operators such as Ray White, McGrath and LJ Hooker, among others. This group was also consulted on the reforms, transitional arrangements and implementation strategy. Put simply, the reforms introduced enhanced training and education requirements for all agents because of concerns raised during a transparent and thorough consultation process undertaken by Fair Trading and the Government. Those increased requirements address many of the concerns that form the basis of the bill. In addition, as the reforms have been in place for only 12 months, we need to support the industry in understanding and complying with its obligations. It has only just started the journey.

The Government is concerned that any sudden effort to change the status quo will cause major confusion and disruption in the industry. The industry needs stability and guidance to comply with the new laws and rules that are put in place. The momentum and benefits of our recent reforms could be seriously interrupted. In closing, I say that we should remember that property agents act on behalf of consumers in the biggest transactions of most people's lives. They deal with large sums of money and are entrusted to manage valuable rental properties and strata schemes. Historically, their reputation has been plagued by the unacceptable conduct of some in the industry. These are some of the fundamental reasons why this Government is committed to ensuring that regulation of the real estate and property services industry is reasonable and responsive to the needs of consumers in New South Wales. The Government is far from convinced that these ends would be well-served by the re-establishment of a statutory Real Estate Services Council, as the bill proposes. The Government strongly opposes the bill.

Ms ABIGAIL BOYD (16:36): On behalf of The Greens I speak in debate on the Real Estate Services Council Bill 2019. It is clear that the real estate industry is being under-regulated and that even the industry itself is crying out for better oversight. In our view, the intention of the bill and the motives underlying its introduction are worthwhile. The status quo is not working. We are sympathetic to attempts to reform the industry and to a regulatory model that combines consumer and industry expertise with government expertise. We support the Opposition's amendments, which will expand the consumer representation on the council further and that is very important.

I acknowledge the Government's comments on the composition of that council. The Opposition's amendments improve that composition, but I ask the Hon. Mark Banasiak to elaborate on the reason for the three real estate institute personnel. With those comments, we recognise that the bill will likely not pass the lower

House, but we sincerely hope that it will send a signal to the Government—if it passes here—that the current regulatory regime needs serious and urgent reform. For those reasons, The Greens do not oppose the bill.

The Hon. MARK BANASIAK (16:39): In reply: I thank all members who have contributed to the debate: the Hon. Daniel Mookhey, the Hon. Scott Farlow, the Hon. Shayne Mallard and the Hon. Abigail Boyd. I will address some of the things that were raised and shine a light of truth on some of the things that the Government has said. Firstly, I address the reason for the composition of the panel, but also foreshadow that we will accept Labor's amendments regarding expanding the panel. The reason it is proposed that the Real Estate Institute have three members on the panel is that it represents multiple facets of the industry. It is not just residential but commercial, strata, rural and property service management. In the past it has looked at public liability insurance for real estate agents. It covers a broad spectrum of the industry and that is why it is proposed to have three members. To correct a mistruth, it does represent a considerable number of real estate agents—over 210 agencies. That is a lot more than a third of the industry.

We view the bill as a remedial legislative instrument because it rectifies the failed experiment of bringing the industry under the remit of Fair Trading. The Government has refuted the concerns about Fair Trading and it says that Fair Trading is the best place to manage this. Let us unpack some of Fair Trading's great initiatives. It believes that auctioneers do not need to have qualifications—as long as they have a loud voice, that will do. That was a great chestnut. We are not to worry about how the complex contractual arrangements between a buyer and seller are managed. Let us talk about training. It took five years to implement something that should have taken five months. We have downgraded the training. It used to take three years to train to be a real estate agent; under Fair Trading it was reduced to one week. It is said that Fair Trading has been working to improve the education standards. It has been fighting the real estate industry tooth and nail all the way to improve its standards. That is why it has taken five years.

The Hon. Mark Buttigieg: Sounds familiar.

The Hon. MARK BANASIAK: Yes. The record to become a trained real estate agent in this State is eight hours, including lunchtime and going outside to top up the parking meter. That is how long it takes to become a real estate agent in this State. That is how long it takes to manage a potential multimillion-dollar sale of a house.

The Hon. Shayne Mallard: In budget estimates hearings they said that was not right.

The Hon. MARK BANASIAK: Let us talk about what was said in budget estimates hearings. I acknowledge the interjection. Let us talk about the industry expert panel that has apparently been established. I will quote Minister Anderson. He said the property service expert panel has been set up. It has not been set up; it has had one meeting. There are no terms of reference. Nothing has been constituted. At least four of the major industry groups have not been invited back. I caution interjections about things being said in budget estimates hearings because based on this and based on what we have been told, there is a strong suggestion that the Minister has misled budget estimates hearings about the industry expert panel.

Let us look at why the industry expert panel was put in place to replace the Real Estate Reference Group and why the Real Estate Reference Group became defunct. It became defunct because of Fair Trading, which would not deal with the industry. They treated it in an adversarial manner. Its relationship with the industry was perfunctory at all times. The industry wants to improve itself but Fair Trading has fought the industry tooth and nail all the way. To say that Fair Trading has been working with the industry is absolutely laughable. I note that the Hon. Scott Farlow mentioned reports of mismanagement of trust accounts. That is another great initiative from Fair Trading, which abolished the need to lodge audits for trust accounts. That is where the trust account issue comes from, not because the industry became awash with people defrauding trust accounts. Fair Trading is responsible for reducing the mechanisms that protected the industry. Is that another great Fair Trading initiative? Can we really trust a regulator that has more expertise in telling us where to go when our toaster is broken than dealing with complex, one-off, million-dollar purchases of property? That is the reality.

The Government has said that the bill creates self-regulation. It is not self-regulation. I hope the Government has read the bill in the past two years. It sets up a real estate council and a property commissioner. That does not mean it is totally self-regulated. There are consumers and the Government. It is not self-regulated. The Government said this is a step away from what is happening in other jurisdictions and indeed in this State. No, it is not. We have a commissioner and a commission for the legal services industry. We have a commissioner and a commission for the building industry. Let us look at other jurisdictions. The bill not only replicates the regulatory architecture of other Australian States and New Zealand but it also improves on it. Those are the comments we are receiving from the industry.

When we talk to representatives in the industry, they support the bill. They want it because the industry is sick and tired of beating its head against Fair Trading; it wants to improve. Fair Trading does not want the bill

because we are saying we do not think it can manage; it is a slight against it. The facts are clear: It cannot manage. It dumbed down the education because it said it wanted to increase competition. It has made stupid decisions concerning trust accounts, which have reduced protections for the consumer. Fair Trading says that anyone can be an auctioneer as long as they have a loud voice. It is ridiculous. We cannot continue to allow Fair Trading to fumble and stumble through one of our most important industries.

The PRESIDENT: The question is that this bill be now read a second time.

The House divided.

Ayes23
Noes 16
Majority.....7

AYES

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

NOES

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

PAIRS

Graham

Cusack

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have one set of Opposition amendments appearing on sheet c2021-007C.

The Hon. DANIEL MOOKHEY (16:58): By leave: I move Opposition amendments Nos 1 to 6 on sheet c2021-007C in globo:

No. 1 Property Services Council

Page 2 to page 15. Omit "Real Estate Services" wherever occurring. Insert instead "Property Services".

No. 2 Property Services Council

Page 3, clause 7(2). Insert after line 27—

- (f1) 1 person appointed by the Minister from a panel of 3 persons nominated by the Tenants' Union of NSW, being the Tenants' Union of NSW Co-operative Limited ABN 88 984 223 164,
- (f2) 1 person appointed by the Minister from a panel of 3 persons nominated by the Strata Community Association (NSW), being the Strata Community Association (NSW) Limited ACN 001 767 997,

No. 3 Property Services Council

Page 5, clause 12(a). Insert after line 16—

- (iii1) the management of strata properties and community schemes,
- (iii2) the education, training and continuing professional development of strata managing agents,

No. 4 **Property Services Council**

Page 15. Schedule 4. Insert after line 1—

4.1A Community Land Management Act 1989 No 202**[1] Whole Act (except the definition of "Secretary" in section 3(1) and section 97E)**

Omit "Secretary" and "Secretary's" wherever occurring.

Insert instead "Council" and "Council's", respectively.

[2] Section 3 DefinitionsOmit the definition of *Secretary* from section 3(1). Insert in alphabetical order—*Council* means the Property Services Council constituted under the *Property Services Council Act 2021*.No. 5 **Property Services Council**

Page 15. Schedule 4. Insert after line 13—

4.2A Strata Schemes Management Act 2015 No 50**[1] Whole Act (except the definition of "Secretary" in section 4(1) and Schedule 3)**

Omit "Secretary" and "Secretary's" wherever occurring.

Insert instead "Council" and "Council's", respectively.

[2] Section 4 DefinitionsOmit the definition of *Secretary* from section 4(1). Insert in alphabetical order—*Council* means the Property Services Council constituted under the *Property Services Council Act 2021*.**[3] Sections 211B, 213(6), 250(6) and 257(a)**

Omit "Department" wherever occurring. Insert instead "Council".

No. 6 **Property Services Council—Long title**

Page 1. Long title. Omit "Real Estate Services". Insert instead "Property Services".

I will address the Opposition's amendments in detail. Working through them, Opposition amendment No. 2 calls for the Property Services Council to comprise members from industry, consumers and academia. The Opposition seeks to amend this to include further representatives such as the Tenants' Union of New South Wales and the Strata Community Association of New South Wales. Opposition amendment No. 4 proposes to alter references in the bill to "Secretary" and "Secretary's" wherever that occurs to "Council" and "Council's" respectively. That is a personal highlight of mine.

I will discuss Opposition amendment No. 5 in detail. This amendment also alters language in the bill from "Department" to "Council". In general, Opposition amendment No. 3 extends the objects of the Act to include the management of strata properties and community schemes and the education, training and continuing professional development of strata managing agents. Labor previously supported the establishment of a strata commissioner. The commissioner will oversee all strata issues but with particular focus on newly constructed buildings. Every year there are tens of thousands of people moving into strata apartments for the first time in their lives. They have little understanding of their rights.

Strata is the fastest growing sector of the housing market in the State, but laws are complicated and there are always various interests that are confusing issues. It is time the strata owners had someone in power who is focused on their needs. Currently strata is overseen by Fair Trading, which also looks after consumer issues such as broken or dangerous toys and appliances and complaints against motor mechanics, paintball centres and tattoo parlours. Often new homeowners are reluctant to make too much of a fuss over their problems because they are worried that the adverse publicity would expose issues to prospective buyers and lead to a reduction in the value of their homes. The first thing a strata commissioner should do is look at the Government's so-called defects bond of 2 per cent to find out if it offers any real protection. The other amendments are relatively self-explanatory. On that basis, I commend them to the Committee.

The Hon. MARK BANASIAK (17:01): I indicate that the Shooters, Fishers and Farmers Party will accept all amendments. We think they are sensible amendments. They broaden the church of members of the council and we happily accept them.

The Hon. SCOTT FARLOW (17:02): I oppose amendments Nos 1 to 6 as proposed by the Hon. Daniel Mookhey on behalf of the Opposition. As honourable members have heard, amendments Nos 1 to 3 and 6 propose

to expand the statutory membership to include members of the Tenants' Union and the strata sector, and amend the council's name to "Property Services". While this approach does increase the diversity and sector coverage proposed membership of the council, it does not address any of the fundamental concerns that the Government holds in relation to the bill. In particular, the Government's view is that the current regulatory arrangements already ensure effective industry oversight and regulation and high-quality engagement with the industry. Replacing independent regulation with a partially self-regulated model is a serious issue. It becomes even greater in the context of these amendments, which are proposing the coverage of the council to be expanded even further to the strata and community sectors.

The current regulator, NSW Fair Trading, plays a vital role in assisting with the resolution of thousands of property-related consumer complaints every year from tenants, landlords, prospective purchasers and homeowners. Fair Trading has demonstrated its value as a robust and skilled enforcement agency where more serious breaches of the law have been found. It has successfully prosecuted 12 real estate licensees for misappropriating trust funds to the value of \$6 million over the last 15 months and has issued more than 480 penalty notices to licensed professionals. For some decades now industry-specific regulatory models have been avoided or abandoned at both State and Commonwealth level due to their lack of rigour in prosecuting misconduct and a lack of vigour in protecting consumers and pursuing the public interest.

As my colleagues in this place have rightly noted, the regulatory model proposed in the bill runs counter to the direction of regulatory policy in consumer protection in recent years and best practice in regulation. At the same time I reiterate that the proposals in this bill risk confusion and poor outcomes for the sector. Unlike both the proposals in this bill and of course the proposed amendments, the Government's recent reforms were developed through regular engagement and close consultation with industry, including the peak bodies, registered training organisations, franchisors, individual agents and other regulators.

Amendments Nos 4 and 5 propose to replace all references to "Secretary" in the Strata Schemes Management Act 2015 and the Community Land Management Act 1989 with references to "Council". In addition, the amendments replace the word "Department" wherever occurring with "Council". The Government is strongly opposed to these amendments for several reasons. First and foremost, the proposed arrangement to have the entire administration of the strata and community management Acts handed over wholesale to a newly constituted council is unworkable in practice. It is likely to bring both chaos and poor sector outcomes. Second, the administration of these Acts should remain in Fair Trading, with all the public benefits that result from that.

If I could enlighten the Committee for a moment, under both Acts the "Secretary" is defined as the Commissioner for Fair Trading. The administration of strata and community scheme laws has been in the hands of the Commissioner for Fair Trading for the better part of 30 years. The Commissioner for Fair Trading is an accountable public official who as Deputy Secretary of the Department of Customer Service has the resources, expertise and corporate knowledge of a billion-dollar government department at her disposal. The expectation of the public at large is overwhelmingly that the administration of these two flagship pieces of Fair Trading legislation stay in the trusted, accountable and expert public hands that they are in today.

During the 30 years of administration of those Acts, Fair Trading has assisted with the resolution of tens of thousands of complaints and inquiries about strata and community living. The Fair Trading strata mediation service is a storied team of skilled, passionate and compassionate experts who have conducted countless mediations to settle disputes among the million-plus strata residents. These services not only help New South Wales citizens every day of every year but also provide a public benefit by keeping countless civil disputes out of the tribunal and courts system.

Third, there has been no proper consultation with the strata and community sectors on this radical proposal to hand over their governance to a statutory council that does not yet exist and has absolutely zero experience administering laws—zero, zilch, nothing, nada. It is timely in this regard to also acknowledge the invaluable record of law reform during the 30 years of Fair Trading administration of these Acts. From 2011 to 2015 NSW Fair Trading undertook its biggest policy project ever, after being given the mandate by a newly elected Liberal-Nationals Government. The Commissioner for Fair Trading is now also steering the statutory review of the strata laws, with public consultation due to close in April and a report to Parliament due in November 2021.

The CHAIR (The Hon. Trevor Khan): The Hon. Daniel Mookhey has moved Opposition amendments Nos 1 to 6 on sheet c2021-007C. The question is that the amendments be agreed to.

The Committee divided.

Ayes23
Noes16
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
Secord
Sharpe
Shoebridge
Veitch

NOES

Ajaka
Amato
Fang
Farlow
Farraway (teller)
Franklin

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

Mitchell
Nile
Taylor
Tudehope
Ward

PAIRS

Searle

Cusack

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended, including an amendment to the long title of the bill, be agreed to.

Motion agreed to.

The Hon. MARK BANASIAK: I move:

That the Chair do now leave the chair and report the bill to the House with amendments, including an amendment to the long title of the bill.

Motion agreed to.**Adoption of Report**

The Hon. MARK BANASIAK: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. MARK BANASIAK: I move:

That this bill be now read a third time.

Motion agreed to.*Motions***CENTENARY OF ROTARY AUSTRALIA AND ROTARY NEW ZEALAND**

The Hon. NATALIE WARD: I move:

That private members' business item No. 988 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. NATALIE WARD (17:21): I move:

(1) That this House notes that:

- (a) in 2021 Rotary will celebrate 100 years of service in Australia and New Zealand;
- (b) following the formation of Rotary in the United States of America in 1905 by Mr Paul Harris, the first Rotary clubs were formed in Sydney and Melbourne, Australia, and Auckland and Wellington, New Zealand, in 1921;

- (c) a unique and iconic volunteer organisation, Rotary connects members of the community to provide service to others, promote integrity, goodwill, and peace through fellowship of business, professional, and community leaders;
 - (d) Rotary brings together a global network of volunteer leaders dedicated to tackling the world's most pressing humanitarian challenges;
 - (e) globally, Rotary connects 1.2 million members of more than 35,000 Rotary clubs in over 200 countries and geographical areas, and their work improves lives at both the local and international levels, from helping those in need in their own communities to working toward a polio-free world;
 - (f) today Rotary Australia has over 25,000 members across 1,052 local Rotary clubs;
 - (g) to celebrate 100 years of Rotary in Australia and New Zealand, Rotary is reflecting and celebrating the past, but more importantly looking into the future, with many new projects that deliver real, long-term solutions to the world's most persistent issues; and
 - (h) Rotary Australia's goals for its centenary year are:
 - (i) EndTrachoma, a project to eradicate the infectious eye disease, trachoma, in Australia; and
 - (ii) Rotary Give Every Child A Future, a project to give lifesaving vaccines to 100,000 children across the Pacific and ensure generations of children and women are protected against cervical cancer, rotavirus and pneumococcal disease.
- (2) That this House thanks:
- (a) Mr Garry Browne, AM, National Centenary of Rotary Committee Chair; and
 - (b) the 25,000 members of Rotary in Australia for their service above self.

I support the motion that acknowledges, congratulates and thanks Rotarians across the world, particularly in Australia, for their selfless work over the past 100 years during the centenary of Rotary in Australia. I acknowledge Mr Garry Browne, AM, and the centenary committee for their tireless work. Like many members of Parliament, I am a proud Rotarian. I am a Paul Harris Fellow and I proudly wear the sapphire pin on my lapel today. I also acknowledge the tireless work of past Rotary Club of Sydney president Barbara Ward and Rotary Club of Sydney members.

Like many Rotarians, mine is a family story. My darling dad, David Ward, was a Rotarian. His brother, my uncle, Derek Ward, was a Rotarian. My brother, Tony Ward, is a Rotarian and a Paul Harris Fellow. My mum, Dianne Ward, worked for Rotary. I do not say all that to big-note ourselves; I place it on record as a means of thanking Rotary for providing us with the opportunity to participate, share fellowship and serve others through its incredible worldwide initiatives. Last century as a baby lawyer I boldly sought to join the Rotary Club of Sydney on my brother's advice. My husband, David Begg, also joined the club. After getting married and having our son, Fergus Begg, we did so many wonderful things within the Rotary family. Like so many, in 2003 we volunteered at the Anzac Day Rotary barbecue in Hyde Park. Our baby son quietly slept in a capsule under the table all afternoon, contented by the wafting barbecue smells while everything went on around him. He is now an adult and I hope that he takes up the mantle.

I have grown up in Rotary and I thank members of Rotary Club of Sydney for nurturing me throughout my journey. I also thank them for the friendships, opportunities to serve and joy of fellowship they have given me. I ask that they forgive my absences of late, but I pledge to do better when Parliament is not sitting. David and I have commented often that some of the most generous, kind, selfless and inspiring people we have ever met have been through Rotary Club of Sydney. There are so many but I acknowledge Mrs Christine McDiven, AM; past president Barbara Ward, who kept the club going during a difficult COVID year; the incredible Mrs Maria Scott, my first president; Mr Geoff McIntyre; Holocaust survivor Andy Freeman; and our many Jewish friends, including Sam Leon, Bert Rosenberg, Herman Eisenberg and Erwin Mohay.

I acknowledge our beautiful, gentle and very tall friend, Mr Doug Markell, who welcomed us with a smile at the door for lunch each week and tragically perished in the Mumbai terrorist attacks—vale, Doug Markell; and Garry Browne, AM, chair of the centenary of Rotary in Australia committee, past president and past district governor. I thank Garry for his dedication, energy, commitment and devotion to Rotary. He truly exemplifies service above self. I acknowledge past Sydney Rotary Club president Mrs Barbara Ward in the President's gallery. I thank her for her tireless service. This year marks 100 years of Rotary in Australia and New Zealand. Following the formation of Rotary by Paul Harris in the USA in 1905, the first clubs in Australia were formed in Sydney and Melbourne. Garry Browne said:

When Paul Harris started Rotary 115 years ago, I am not sure he imagined that there would be a club in nearly every country and that Rotary would become the largest nonreligious organisation in the world with over 1.2 million members in approximately 31,000 clubs in more than 166 countries.

Rotary has over 32,000 members across 1,284 clubs in Australia and New Zealand, which is remarkable. At a time when people need each other more than ever and the human spirit is being tested worldwide, Rotary members

realise that we are one world and global health and wellbeing is a shared responsibility. Rotary has always known this. Garry Browne said:

Rotarians are all committed to the values and spirit of Rotary ... values in action that transcend political, and cultural boundaries and foster global understanding and respect.

Rotary brings together a global network of volunteers who are dedicated to tackling the world's most pressing humanitarian challenges. To celebrate 100 years, Rotary Australia is honouring the past and looking to the future with projects that address the world's most persistent issues. Its goals for this year include EndTrachoma, a project to eradicate the infectious eye disease in Australia; and Rotary Give Every Child A Future, a project to give lifesaving vaccines to 100,000 children across the Pacific.

In the many playgrounds, barbecues and community parks around the country we see the symbols of Rotary, but Rotary is there for so many people in quiet ways that are not visible—for example, ending polio. For more than 30 years Rotary has been the driving force behind the effort to end polio worldwide. My mother contracted polio at three years old in a normal suburban family, but thanks to Rotary's great work over the decades it is no longer an issue for three-year-olds in Australia. I am proud to be a Rotarian and I extend my gratitude to Rotarians and their families around the country on the centenary of Rotary in Australia for their centenary work. I commend the work of Rotary. I commend the motion to the House.

The Hon. WALT SECORD (17:26): As the shadow Special Minister of State, I lead for Labor in support of the motion moved by the Hon. Natalie Ward marking 100 years of Rotary in Australia and New Zealand. I too acknowledge and thank Mrs Barbara Ward, who is in the President's gallery. My contribution will be brief but symbolic. The first Australasian Rotary clubs were formed in Sydney, Melbourne, Auckland and Wellington in 1921. Rotary promotes goodwill and fellowship through business and professional and community leadership, and I think it is the largest non-religious organisation in the world. Worldwide, Rotary has 1.2 million members spread across 35,000 clubs in more than 200 nations. There are many famous Rotarians, including former President of the United States John F. Kennedy, Neil Armstrong, Sir Edmund Hillary, Thomas Edison, Orville Wright, Prince Charles, Prince Philip, Sir Winston Churchill, Walt Disney, Nobel prize-winning author Thomas Mann, Cecil B. DeMille, Pakistani children's education activist Malala Yousafzai and even Colonel Harland Sanders of Kentucky Fried Chicken fame.

In Australia, 1,052 Rotary clubs have a total membership of more than 25,000. In its centenary year Rotary has set itself many goals, which I applaud and support. I share with the Hon. Natalie Ward the organisation's passion for and concern with ending the preventable and contagious eye disease trachoma. It is rare in most developing nations but sadly it occurs in First Nations communities—particularly in northern and central Australia where it is the fourth leading cause of blindness. Not surprisingly, it is due to cramped living conditions. Australia is the only developed nation that sees cases of trachoma. I acknowledge the Rotary Give Every Child A Future program, which aims to provide lifesaving vaccines to 100,000 children in the Pacific to fight against cervical cancer, rotavirus and other diseases. Later this evening Parliament will host the inaugural meeting of the Parliamentary Friends of Rotary International. It will be launched by Premier Gladys Berejiklian, Opposition leader Jodi McKay, and joint Chairs Hugh McDermott, the Labor member for Prospect, and Lee Evans, the Liberal member for Heathcote. I congratulate Rotary on its 100th anniversary. I commend its members for their efforts, charitable work and camaraderie. I thank members of the House for their consideration.

The Hon. SAM FARRAWAY (17:29): I support the very good motion of my colleague the Hon. Natalie Ward celebrating 100 years of service of Rotary clubs in Australia and New Zealand. One hundred years on and there are 1,000 clubs in Australia, including three that I have had a bit to do with during my time in Parliament: the Rotary clubs of Orange North, Narrabri and Bathurst. To start with some personal stories of those clubs, I am pleased to advise the House that Orange North Rotary has developed a driving simulator, with the support of the New South Wales Government.

The club takes the simulator to high schools across the region, allowing students to gain exposure to the challenges of driving. The simulator imitates the effects of alcohol on a driver and has settings for different weather conditions to ensure students understand the importance of remaining alert and safe no matter the conditions on the road. Orange North Rotary also runs a program that takes end-of-use equipment and linens from the local hospital and donates them to families and people with disabilities who are in need. "End of use" means that the equipment fails to meet the high standards required for hospital usage but still works, enabling it to be donated to those who need access to basic supplies. It is a very worthy program undertaken by that Rotary club.

Narrabri Rotary Club is another stand-out club in regional New South Wales. Running book sales to raise funds for a local man to adapt his car to hand controls, hosting workshops to help locals develop skills, catering for local events in the club's state-of-the-art barbecue trailer—I note the Deputy Premier has cooked a few snags on that—and donating money to the Country Education Foundation of Australia are just some of the great things

that this vibrant club has achieved in just the past 12 months. Recently the New South Wales Government provided \$30,000 to the Narrabri Rotary Club to replace old park seating and shelters with new gazebos, seating, landscaping and wheelchair-accessible barbecues in the centre of Narrabri.

Bathurst Rotary Club continually helps the community by partnering with local businesses and organisations to enable initiatives like the Great Corporate Duck Race and giving back to the community through donations, fundraisers, workshops and catering at local events. Rotary clubs add to the community and provide a great place for like-minded people to give back and help others. I thank all members of Rotary clubs across regional New South Wales for all that they do. I congratulate Rotary on 100 years; here's to 100 more. Finally, I again thank my colleague the Hon. Natalie Ward for bringing forward this motion acknowledging the great work that Rotary clubs and Rotarians across New South Wales do, with their commitment to community, our great State and our country.

The Hon. BEN FRANKLIN (17:32): Next month Rotary in Australia and New Zealand will celebrate its 100th birthday. It is an epic milestone for an organisation synonymous with doing good both at home and abroad. With more than 35,000 clubs and 1.2 million members across 200 countries, Rotary has much to be proud of and celebrate in its centenary year in Australia. Rotary is the ultimate example of what can be achieved with sheer drive and determination and an unwavering commitment to the local and global community. What can be achieved is the eradication of illnesses such as polio from the face of the Earth. For more than 35 years Rotary has been working towards eradicating the poliovirus. It is partly because of Rotary's work across the world that only two countries now report cases of wild poliovirus: Afghanistan and Pakistan.

Rotary is a founding partner of the Global Polio Eradication Initiative and has helped reduce cases across the world by 99.9 per cent since its first vaccination mission to the Philippines in 1979. This kind of achievement from a volunteer-based organisation is significant and profound. In its 100th year Rotary will continue its goal of bringing better health outcomes to people across the world. The EndTrachoma by 2020 project aims to eradicate that infectious eye disease, which can eventually lead to blindness, in Australia. Globally the disease is responsible for the visual impairment of nearly two million people, according to the World Health Organization. Another goal in Rotary's centenary year focuses on protecting the long-term health of children into adulthood through vaccination. The Rotary Give Every Child A Future project will give life-saving vaccines to 100,000 children across the Pacific and ensure that generations of children and women are protected against cervical cancer, rotavirus and pneumococcal disease. The meaningful impact of Rotary has reached every corner of the Earth. I sincerely thank each and every volunteer for their dedication to making our world a better place.

In the Northern Rivers and across the North Coast, Rotary is a key organisation that the community knows it can turn to when support is needed most. I acknowledge and thank the following Rotary clubs in my local region and their volunteers for all that they do: Lismore, Kyogle, Byron Bay, Tenterfield, Murwillumbah, Mullumbimby and Alstonville. I particularly acknowledge the Rotary Club of Ballina-on-Richmond, which is a wonderful group of passionate, selfless and dedicated people with whom I have had the privilege of working for many years. From the SES to the local hospital, from Australian Seabird Rescue to Marine Rescue NSW, and from Camp Quality to the surf lifesaving club, the Rotary Club of Ballina-on-Richmond has been there supporting them all.

It has led the community in advocating for victims of domestic violence. It has helped those most in need through its partnerships with the Ballina Hot Meal Centre and The Cove Restaurant's Meals for the Needy project. Under the experienced eyes of Col and Julie Lee, it has expertly run the Ballina Food and Wine Festival for 10 years. Rotary's motto of "Service Above Self" continues to be the foundation of its work, under the leadership of club president Dave Harmon. It is something that I believe every Rotarian throughout the world embodies in their work.

Rotary clubs across this State have raised enormous sums of money for their local communities, supported key education and health initiatives and consistently been there when we have needed them most. We live in a period of human history in which demands on our time are ever increasing and membership of voluntary service organisations is falling. The centenary of "Service Above Self", therefore, is a truly remarkable achievement. I offer my wholehearted congratulations to Rotary Australia and New Zealand and thank the Hon. Natalie Ward for bringing this motion to the House.

The Hon. LOU AMATO (17:35): I thank the Hon. Natalie Ward for her important motion as well as other honourable members who have contributed to the debate. There is much inequity in our society that no amount of government legislation or initiatives can address. Volunteering is an important aspect of maintaining the wellbeing of our community. Many great organisations and charities dedicate their time and resources to improving the lives of our fellow citizens. This year we celebrate 100 years of great community service to Australia and New Zealand by Rotary International. Indeed, we celebrate the great work of Rotary in supporting all our fellow global citizens. Rotary International states:

The mission of The Rotary Foundation of Rotary International is to enable Rotarians to advance world understanding, goodwill, and peace through the improvement of health, the support of education, and the alleviation of poverty.

The organisation has changed millions of lives through the funding of polio vaccinations in Third World countries at a donation cost of as little as 60c per vaccination. For over 35 years Rotary has been a champion in the work to eradicate polio. I acknowledge the contribution of the Hon. Ben Franklin on that subject. The goal of eradication started in 1979 with the vaccination of six million children in the Philippines. Today Afghanistan and Pakistan are the only countries where polio remains endemic. Rotary fights on, committed to the total eradication of polio. Organisations like Rotary cannot function without the generosity of donations and of those who give of their time to support our global citizens. A paper published on 28 February 2019 entitled *A Less Charitable Nation: The Decline of Volunteering and Giving in the United States* by Nathan Dietz and Robert T. Grimm Jr of the University of Maryland, states that volunteering has shown a steep decline in the United States since 2012. An excerpt from the paper states:

The volunteer rate never rose above 27 percent or below 26 percent between 2006 and 2012—including in the years during the Great Recession—but then the volunteer rate declined, bottoming out at a fifteen-year low of 24.9 percent (2015).

The decline in volunteering in Australia is not known, but many charitable organisations are struggling with increased workloads and a falling volunteer rate. We must change this trend. Without the support of charitable organisations, the world community is at greater risk of poverty and its associated ills. We must all work together to find ways to show the youth of today the rewards of becoming an active volunteer in our community. Without volunteers, organisations like Rotary will cease to exist. I thank the Hon. Natalie Ward for her important motion and I congratulate Rotary International on 100 years of active service in Australia and New Zealand.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:38):

I make a brief contribution in support of the motion of the Hon. Natalie Ward and add my thanks to all of our Rotarians for 100 years of service in Australia. I also want to add a personal contribution and acknowledge the fact that Rotary does a lot to support young people in our community. Many people are beneficiaries of Rotary's support, and I am one of them. When I was in year 12, way back in 1999, Rotary District 9650, where my hometown of Gunnedah is located, held a public speaking competition. Students from all over the Rotary district came together.

The club had an arrangement with a similar district in South Africa and the winner in each district would be involved in an exchange. We had to speak about a topic of choice. I spoke about whether Bill Clinton would pass the Four-Way Test. In 1999 that was quite topical, with the Monica Lewinsky issue. My speech was a look at politics and media and how they interact—not knowing what my future career would be. I was fortunate to win that competition and went on an exchange to South Africa for a period of time at the end of December 1999, early January 2000. It was an incredible opportunity. The support of my local school and Owen Hassler, who was one of my teachers, and our local Gunnedah Rotarians set me on a path to think about leadership and representing my community.

I am very grateful to Rotary for the opportunity afforded to me when I was much younger. It means I will always have a very deep affection for Rotary and the work that it does. Even now I run into people who are still members of the Gunnedah Rotary branch. It shows the long service that many Rotary members give, in particular Tom Lyle, who is a stalwart in Gunnedah. Every time I see him, he says, "I knew that day you stood up at that Rotary meeting that you were going to do something." I am happy to have proven Tom right. He has always been a lovely supporter of mine. Notwithstanding all of the wonderful things that Rotary does, particularly by those members mentioned in the motion, I personally acknowledge what Rotary does to support young people. It gave me an enormous opportunity when I was younger and I have always been very grateful to Rotary for that.

The Hon. TAYLOR MARTIN (17:40): I speak in support of the motion moved by Hon. Natalie Ward and join her in acknowledging Rotary's 100th year of service in Australia. As members know, Rotary is a practical organisation. Local Rotary clubs across Australia are part of the Rotary International network of business, professional and community leaders who strive to make the world a better place through practical efforts. In its 100th year in Australia, each local club is each marking the occasion in their own way. The five Rotary clubs within Maitland local government area—Maitland, Maitland Sunrise, Rutherford Telarah, East Maitland and Green Hills—were recently awarded a grant of \$5,000 by the local council to mark the clubs' combined 237 years of service to the city.

Members of the five clubs will join the wider Maitland community in a series of events to mark 100 years of Rotary in Australia, including a tree planting event at Telarah Lagoon, displays in The Levee and local libraries, as well as a baton relay at the Maitland Regional Athletics Centre. The Rutherford Telarah Rotary Club recently launched the Men's Health Education Rotary Van in collaboration with Warners Bay Rotary club. The vehicle is currently undertaking its first tour of country New South Wales. The van is staffed by a registered nurse, who

screens regional and rural men and women for blood pressure, cholesterol and high blood sugar. The program is incredibly effective and has resulted in people getting medical assistance that they may not have otherwise sought.

The Rotary Club of Medowie-Williamstown has recently updated its name to more accurately reflect its membership and expanded area of interest. I congratulate the club and its members on its recent name change and wish the club success as it continues to serve its community. The Nelson Bay Rotary club recently held an information session for its members and for the wider community on elder abuse. Local solicitor Brooke Vitnell was the guest speaker and spoke with members about different forms that elder abuse can take, how to see it, how to report it and, most importantly, how to stop it.

I also acknowledge the Rotary Club of Gosford City. In its relatively short period of existence since 2008, it has been extremely active in its local community on the Central Coast. Over the years the club has funded cleft palate surgery for kids in Bangladesh and clean drinking water for villages across India and has raised funding to improve literacy and health outcomes in Sri Lanka and Bolivia while also purchasing ShelterBoxes for use in emergencies in Australia and internationally. I particularly acknowledge the club's significant contribution in the establishment of the Gosford Men's Shed with seed funding of \$15,000. That is only a snapshot of some of the activities that Rotary clubs do in my part of the State. I again congratulate the Hon. Natalie Ward on moving this motion and congratulate Rotary clubs for their 100 years of hard work.

The Hon. MATTHEW MASON-COX (17:43): I associate myself with the excellent motion and thank the member for bringing it forward. I share some similarities with the Hon. Natalie Ward in that I joined Rotary last century, in 1997, which sounds like a long time ago. I am also a Paul Harris Fellow from many years ago.

The Hon. Natalie Ward: Hear, hear!

The Hon. MATTHEW MASON-COX: Sadly, this place took me away from Rotary and its regular meetings, particularly when I was Minister. I had to resign from my Rotary club, but I give a shout-out to Queanbeyan West Rotary. I believe the president this year is Wayne Brown and the executive team is doing a wonderful job in the local community. For me, Rotary is really all about your local community. Rotary has done wonderful things and continues to do wonderful things around the world, from the eradication of polio through to a whole range of projects in many developing countries that are of great significance and certainly great value to those communities. The Rotary Club of Queanbeyan West paid its fees and participated where it could in overseas projects. However, the real focus is on what it can do in our local community.

Indeed, Rotary members have contributed locally in many different projects. To me, Rotary is all about meeting people and doing something with our hands, whether it be cleaning up somebody's backyard or mowing the lawn for somebody who cannot go out in the garden anymore, or turning up at the local primary school as a team to make breakfast for kids. It is about doing things for children and people who are disadvantaged or unable to make their lives work as well as they might. We are able to make small contributions and shine some warmth into someone else's life.

Rotary is part of the social fabric of country communities. As a member of Parliament, I enjoy going to different towns. I always look up when the local Rotary clubs meet and I try to go to their meetings to meet the locals. It is a wonderful way to understand community issues in country towns and to build a network of influence. It is a network that we can tap into, through the positions we hold in this place, to extract as much information as we can to assist with funding projects and the needs of communities. It is a magnificent organisation. I dearly remember my time with Rotary. I have no doubt that in due course I will rejoin. I honour the motion moved today and remember the wonderful work of Rotarians in the 100th year of Rotary in Australia and New Zealand.

The Hon. Natalie Ward: Hear, hear!

The Hon. SHAYNE MALLARD (17:46): I speak on the motion moved by the Hon. Natalie Ward and I thank her for bringing it to the attention of the House. Rotary is an important part of my life, just as it is an important part of most members who have spoken today. It would be remiss of us in politics and community service if we did not have an engagement with Rotary in our life. This year Rotary members in Australia and New Zealand are celebrating their centenary with a year-long celebration. I thought Rotary was older than a hundred years. They will hold events and raise funds to carry out activities as they continue to bring positive changes to our homes and throughout the world.

Rotary was founded in Chicago in 1905 by a bunch of businessmen led by Paul Harris. I say businessmen because Rotary was men only until sometime in the eighties when internationally the organisation finally realised the potential of equality and today Rotary has more women than men. I acknowledge the former president of the Rotary Club of Sydney, an outstanding female Rotarian, who is here today. The reality is that that was a great reform in the eighties and I welcomed it as a young Rotaractor of Rotaract, which was a youth wing of Rotary in South Penrith. Through volunteering Rotaries, 1.2 million members around the world make lifelong friendships

that transcend politics and cultural boundaries. Rotary Australia is the tenth largest Rotary country in the world with 25,833 members belonging to 1,052 clubs.

I particularly mention the Lower, Central and Upper Blue Mountains Rotary clubs. They work tirelessly for not only the local community but also communities around the world. I acknowledge Paul Campbell, president of Rotary Club of Upper Blue Mountains Sunrise; Michele Ellery, president of the Rotary Club of Lower Blue Mountains; and Peter Hartley, president of the Rotary Club of Central Blue Mountains. I recently participated in a meeting on Zoom with the Central Blue Mountains. Recently I represented Minister Stuart Ayres at the opening of Whitton Park. The Rotary Club of the Lower Blue Mountains received a grant from the Government's My Community Project funding program to improve the park's shelter as well as improve access for all abilities and refurbishment.

The Rotary club built a car park, an access path and picnic facilities for families with a member who had a disability. It was a fantastic bipartisan, nonpartisan day. The local Labor members were there as well. It was a wonderful day to celebrate the work that Rotary had done in the community. Exchange students were mentioned earlier. In years gone by I have hosted exchange students from Japan on behalf of Rotary. I was also a recipient of a Rotary Youth Leadership award and those contacts led me to the Young Liberals and I wound up in this place. Rotary is responsible for me being here. Even though it is a non-political organisation we share the same values.

The Hon. Penny Sharpe: We will blame them then.

The Hon. SHAYNE MALLARD: We can thank them—thank Tony Robinson and South Penrith Rotary Club. Back in those days, over a number of weekends, the South Penrith Rotary Club and the Rotaract club built an operating theatre at Nepean Hospital for premature babies. You would not do that today, but we did it back in those days. I was born at Nepean Hospital and it was special to build an operating theatre there. Today the hospital has totally changed. It was a country town hospital back in those days. We have heard about polio, and I was involved with that.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The member's time has expired.

The Hon. SHAYNE MALLARD: Has it? Not on this clock it has not.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): Sorry, we appear to be having an issue with the clock. That is the overall debate.

The Hon. SHAYNE MALLARD: I have 30 seconds. I commend the motion to the House.

The Hon. NATALIE WARD (17:51): In reply: I thank honourable members for their contributions to the motion, particularly the personal stories about their clubs from their communities. It is wonderful to see the fantastic work that is being done and continues to be done to bring members together, in particular in regional communities, as mentioned by the Hon. Sam Faraway and the Hon. Ben Franklin. I thank the Hon. Walt Secord for his contribution, in particular highlighting the challenges in Indigenous communities being addressed also by Rotary. The Hon. Lou Amato was prescient to say that Government cannot do everything and Rotary fills some of those gaps and is amazing at doing that.

I was delighted to hear Minister Sarah Mitchell's personal story about being a Rotary exchange student and the great work that was done there. I thank the Hon. Taylor Martin, the Hon. Matthew Mason-Cox and the Hon. Shayne Mallard for their contributions. I love to see the way that Rotary has touched all of our lives and that we have been given the opportunity to give back. The opportunity for service above self is something that we all join in, and have that motivation. There are many hundreds of thousands of very quiet people out there who do that all the time. They have done that quietly in their community through generations. They do not ask for any thanks and enjoy the opportunity to give back. Some of those people get on with it very quietly and consistently and are tireless in their work. I thank them. I commend the motion to the House.

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

Motion agreed to.

Documents

MONARO FARMING SYSTEMS

Production of Documents: Order

The Hon. MICK VEITCH: I move:

That private members' business item No. 1095 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MICK VEITCH (17:53): I seek leave to amend private members' business item No.1095 outside the order of precedence by inserting after "Department of Regional NSW" the words "Department of Primary Industries".

Leave granted.

The Hon. MICK VEITCH: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 April 2011 in the possession, custody or control of the Premier, Deputy Premier, the Minister for Agriculture and Western New South Wales, the Minister for Mental Health, Regional Youth and Women, the Department of Planning, Industry and Environment, the Department of Regional NSW, Department of Primary Industries, or Local Land Services relating to Monaro Farming Systems:

- (a) all applications for funding submitted by or on behalf of Monaro Farming Systems, and any supporting documentation;
- (b) all contracts between any government agency or department and Monaro Farming Systems;
- (c) all deeds or funding agreements between any government agency or department and Monaro Farming Systems;
- (d) all independent audits of contracts or funding agreements between any government agency or department and Monaro Farming Systems;
- (e) all correspondence between any government agency or department and Monaro Farming Systems;
- (f) all correspondence to or from any member of the New South Wales Parliament or their office in relation to Monaro Farming Systems, including letters, emails, text messages and other electronic messages;
- (g) all correspondence to or from any member of Federal Parliament or their office in relation to Monaro Farming Systems, including letters, emails, text messages and other electronic messages;
- (h) all correspondence on behalf of, or referring to, Jam Land Pty Ltd, including letters, emails, text messages and other electronic messages;
- (i) all other documents relating to Monaro Farming Systems; and
- (j) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a call for papers. As honourable members would know, I explored elements of this issue during budget estimates hearings. It has also been the subject of some articles in *The Guardian* and in other areas. One of the things that members need to understand about this is that I know some of the people in Monaro Farming Systems [MFS]. This is not an attack on their organisation. This motion attempts to find out how a grant of about \$107,000 could make its way to Monaro Farming Systems from Local Land Services [LLS], and what was the basis or the catalyst for that decision to be made.

Members would be aware that at budget estimates hearings I put to the agriculture Minister, Adam Marshall, a number of questions about how that works. The advantage of budget estimates hearings is that the CEO of LLS was in the room as well and he was able to answer some of our questions or provide responses. My interest in this issue was piqued by an article in *The Guardian*. One of the members of the Monaro Farming Systems, Mr Murdoch, is quoted as saying:

I remember when that happened. We got a press release and there was a bit of scrambling. It was an agreement between LLS and Stuart with us as the facilitator. I never felt really comfortable with that because we weren't dictating the terms of the work.

When we asked Mr Witherdin questions at budget estimates hearings, it became clear that MFS did not ask for the grant. The approach came from the central LLS agency. It was not able to tell us what the catalyst was for it to decide that MFS should get the funds. The question has to be asked: How does that come about? How often does it occur that an organisation is not aware it is going to get some money, and the process upon which it received the funds? The purpose of this Standing Order 52 call for papers is to get to the bottom of that. How did that happen? What was the application process? Were there funding deeds associated with this? Has there been an acquittal process? Were there independent audits of how the funding was spent?

That is the sort of thing that we are trying to get to the bottom of. It could be that there is nothing to see here. We need to know how that grant came about. Other organisations would like to know what the process was. How can they be a part of that process? If they do not know what the process is, they cannot access the funds or put themselves forward to access the funds. That is where this call for papers goes. That is what it is about. With a bit of luck we will get some transparency about how the allocation of funding took place. I commend the motion to the House.

The Hon. WES FANG (17:56): The Government opposes the motion. It is a disappointing day, although not unsurprising, when NSW Labor tries to smear and undermine hardworking farmers. As to the process of

application for funding, many of the honourable member's questions were already extensively answered in budget estimates hearings. Further, many government agencies are empowered to engage with the community on a daily basis and at times expend small levels of public funding to support community initiatives. Monaro Farming Systems was established in 2007 and seeks to do exactly what we encourage so many around the State to do: to take action in their local communities, work together and deliver programs in partnership. Monaro Farming Systems has had a longstanding partnership with numerous groups, including Meat & Livestock Australia, Landcare, Tablelands Farming Systems, the CSIRO and Local Land Services.

It has received support from both State and Federal governments in its 14 years. It organises research and projects on everything from improving grazing rotations to carbon banking. It is a great embarrassment that those on the opposite side of the House cannot support what has grown from a grassroots group to provide support and build the capacity of the region's grazing industry. What is worse, those opposite do not seem to have consulted their own members about this. I note that Kristy McBain, the Federal Labor member who represents the region, made a member's statement in Parliament only four months ago praising the group. She said this was a powerhouse group. She further stated:

MFS members have achieved a profitability increase of \$10 per hectare per year through sustainable agricultural change, which equates to a direct value to the local region of more than \$1 million. Being able to employ a paid executive officer to oversee admin, marketing, member support, and grant applications and acquittals has been central in achieving that result.

She finished with criticising the Federal Government for its lack of support for this group, stating:

When is the Government going to provide the long-term foundation our farmers need rather than going for short-term headline-grabbing projects?

On the one hand Federal Labor has bemoaned the fact that the Federal Government will not develop long-term partnerships with Monaro Farming Systems and on the other State Labor is attacking the State Government for doing just that. I will not stand by and allow the members of the Labor Party to discredit the business's progressive and honourable work, particularly when it works to advance our agricultural industry. For this reason, I oppose the motion. [*Time expired.*]

The Hon. PENNY SHARPE (18:00): That was quite a performance from the Hon. Wes Fang, as expected.

The Hon. Wes Fang: I tried.

The Hon. PENNY SHARPE: Yes, every time. This motion is not about the work of Monaro Farming Systems. As the Hon. Wes Fang rightly pointed out, many of us have dealt with members of Monaro Farming Systems. We have been on their farms and have looked at the issues that impact them. This motion asks how it is possible that an organisation received a grant that it did not know it was getting, after representations from members of this place and this Parliament? It is about integrity and the expenditure of public money in a transparent and open way, so that the many worthy organisations that seek funding know that they can apply, that they will be given equal and fair treatment and that the issues they raise will be considered. There should not be side deals that are completely opaque and all of sudden, "Hello, we're going to get some money I didn't know we were going to get. Of course, we are going to have it." It is like winning Keno.

The reason for this motion is very clear. This side of the House has been pursuing these issues for quite a long time. This matter is added to the list of failures relating to grants administration, transparency, the public interest test and what is fair and reasonable. We need to know how these grants occurred. To say that this was canvassed at budget estimates and an adequate answer was given is simply false. The Hon. Wes Fang was present during some of that questioning and knows that we had a petulant performance from a Minister who is attached to this program and a refusal to answer any questions. Another Minister said he will do a bit of a review and we might see it. We want more than that.

This motion is targeted and clear. How are these grants being given? How many are being given? Under what circumstances are they given? Like so many of its grants programs, the Government has continued to fail to provide transparency for every farming community and group that is doing excellent work in the agricultural field to develop technologies, to get better yields and to do better work for their members. It is not okay for there to be any skerrick of doubt about favouritism and that grants are given to groups based on who they know, not what they are doing.

The Hon. MICK VEITCH (18:03): In reply: I thank the Hon. Wes Fang and the Hon. Penny Sharpe for their contributions to the debate. I commend the motion to the House.

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

The House divided.

Ayes21
 Noes17
 Majority.....4

AYES

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

NOES

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

Motion agreed to.

TREE CLEARANCE ZONES

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1102 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (18:13): I seek leave to amend private members' business item No. 1102 by omitting "paragraph (2)" in paragraph (4) and inserting instead "paragraphs (1) and (2)".

Leave granted.

The Hon. JOHN GRAHAM: Accordingly, I move:

- (1) That this House notes that:
 - (a) on 27 February 2020, the Minister for Transport and Roads, the Hon. Andrew Constance, MP, issued a ministerial directive to the Secretary of Transport for NSW, Rodd Staples, to say, "I am writing to instruct you in your role as Secretary of Transport for NSW to establish a 'clearance zone' around all state managed highways, by ensuring trees within 40 metres either side cannot obstruct vital road access.";
 - (b) on 16 April 2020, Secretary of the Department of Planning, Industry and Environment, Jim Betts, wrote to Rodd Staples to say, "Our initial estimate is that establishing a clearance zone would require 104,000 hectares of land to be cleared or roughly 145,000 football fields.";
 - (c) on 31 July 2020, Secretary Staples wrote to Ministers Constance and Toole to outline the risk-based steps the agency was taking, consistent with the NSW Bushfire Inquiry final report that was submitted to the Premier that day;
 - (d) on 17 November 2020, Secretary Staples was sacked for no stated reason; and
 - (e) on 10 March 2021 in evidence to budget estimates, Acting Transport for NSW Secretary, Peter Regan, indicated that the written ministerial directive had not been withdrawn.
- (2) That this House calls on Minister Constance to withdraw in writing the ministerial directive issued to the Secretary of Transport for NSW on 27 February 2020.
- (3) 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; Minister for Transport and Roads; Minister for Regional Transport and Roads; Minister for Planning and Public Spaces; Department of Premier and Cabinet; Transport for NSW; or Department of Planning, Industry and Environment, relating to a ministerial directive on tree clearance zones:
 - (a) all briefings and correspondence relating to the ministerial directive issued by the Minister for Transport and Roads, the Hon. Andrew Constance, MP, to the Secretary of Transport for NSW, on 27 February 2020, regarding the establishment of a tree "clearance zone" around all State managed highways; 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.
- (4) That a message be forwarded to the Legislative Assembly conveying the terms of paragraphs (1) and (2) of the resolution agreed to by the House.

On 22 February last year, Minister Constance issued a ministerial directive to the former Secretary for Transport for NSW, Rodd Staples, which stated:

I am writing to instruct you in your role as secretary of Transport for NSW to establish a 'clearance zone' around all state-managed highways, by ensuring trees within 40 metres either side cannot obstruct vital road access.

The Minister then went on to defend this ministerial directive by referring to the clearing that occurs under transmission lines around the State, often 200 metres wide, with all trees being cleared in those areas. The Minister made it clear at budget estimates hearings that he was very unhappy with the approach that the agency then took to implement that order. What was that approach that the Minister was so unhappy about? On 31 July 2020 Secretary Staples wrote to Ministers Constance and Toole to outline the risk-based steps the agency was taking, consistent with the NSW Bushfire Inquiry's final report that had been submitted to the Premier that very day. The advice of the agencies about this ministerial directive is scathing. On 16 April 2020 the Secretary of the Department of Planning, Industry and Environment [DPIE], Jim Betts, wrote to Rodd Staples and stated:

Our initial estimate is that establishing a clearance zone would require 104,000 hectares of land to be cleared or roughly 145,000 football fields.

That letter from the Secretary of DPIE went on to talk about clearing parks and forests, the endangered animals that would be impacted and the compensation that may have to be paid to the Commonwealth or the Forestry Corporation. The agencies are scathing. The Minister's own colleagues are dismissive. At budget estimates hearings I asked Minister Toole:

... you agree in a range of places it would be impractical?

Mr PAUL TOOLE: Correct.

The Hon. JOHN GRAHAM: Impossible?

Mr PAUL TOOLE: Correct.

Minister Toole had his own examples. He said:

I do not think the intent could possibly be delivered into the road network in those areas—example Jenolan Caves, example Bells Line of Road.

The Minister was concerned about massive slope destabilisation as these trees were cleared. He went on to say, "Well, I think Explorers Tree as well." We established that that tree had already been moved but I am relaying the Minister's concerns. I asked Minister Toole, "... this ministerial directive in writing is so broad"—so ridiculous—"it would have required Transport for NSW to fell the oak tree"—planted in the Corridor of Oaks at Falconbridge by Country Party leader and legend, Arty Fadden. I said:

He planted it in person on 6 December 1947. Transport for NSW might have to chop down that tree.

This question was put to Minister Toole:

... was one of your concerns consultation, given this would have meant chopping down trees on council land or private land?

Minister Toole replied, "Absolutely." He went on to say:

We probably have to have legislative changes as well through the Parliament.

How many trees could be impacted? If we use data from the Crowther's tree density model—Crowther, T. W. et al, 2015, "Mapping tree density at a global scale", *Nature*, Volume 525, pages 201-205—to estimate the average number of trees per hectare across Australian forests and woodlands, combined with the expert analysis of the Department of Planning, Industry and Environment, the Opposition has been able to estimate the number of trees that might be felled. I note that the Crowther model excludes shrubs and some small trees so the results are rough estimates but they are likely to be conservative. I also note that although it is an international model, it is regarded as broadly consistent with the previous reports by Kerle 1995 for the New South Wales Department of Environment and Conservation in a paper by Johnson and Redpath, 1997, for the Royal Botanic Gardens, Sydney.

The backdrop to this directive was that on 17 November 2020 Secretary Staples was sacked for no stated reason. Shockingly, this directive is still in force. On 10 March 2021 in evidence at budget estimates hearings, Acting Secretary for Transport for NSW, Peter Regan, indicated that the written ministerial directive had not been withdrawn. If it was fully implemented, it would have required more than 16 million trees to be cleared across New South Wales—the length and breadth of the State. The Minister should withdraw the proposal. The Minister should withdraw in writing this illegal ministerial directive. [*Time expired.*]

The Hon. SHAYNE MALLARD (18:19): I am pleased to speak against the motion. I live in the Blue Mountains and I am aware of the peril of bushfires and single roads in and out of communities. I congratulate Minister Constance on bringing to our attention, in whatever way he chose to do so, the fact that we need to address the issue of access to communities and townships during bushfires. He comes to this issue with genuine passion in his heart. We know what he and the South Coast community went through. Thank God the Blue Mountains community escaped the impact upon townships, compared to the South Coast. Families in cars and caravans and camper vehicles were stuck on the highway on the South Coast and were trapped. There could have been a horrible tragedy, with trees coming down and emergency vehicles not being able to get through. Minister Constance has brought to our attention as well as that of Resilience NSW and various departments that one of the big liabilities is access to townships on the highway system.

My understanding of the Minister's directive is to identify trees that are problematic. The Hon. John Graham presents it as some sort of wholesale clearing, like it is a housing estate. Of course there are impractical considerations in that and the Blue Mountains is a good example, but I see trees in the Blue Mountains that have become a hazard after a storm being cut down all the time. As the Hon. John Graham said, the Explorers Tree, which has been dead for 50 or 60 years—it is a lump of concrete—was removed in an emergency operation only the weekend before last because it was about to collapse onto the highway and perhaps sweep cars onto the rail line. I add that the Hon. John Graham referred to the Corridor of Oaks in the Blue Mountains. His love is not mirror balls anymore; it is the oak trees and the Explorers Tree. There is a double railway line between the highway and the oak trees, so I am not sure it would be practical to fell the trees on the other side of the railway. But Paul Keating's tree has been felled three times already, so we might get on with that one.

I am advised that the transport Minister will not be withdrawing his directive to the Secretary of Transport for NSW under section 3B of the Transport Administration Act 1988. Transport for NSW has already initiated a \$10 million bushfire corridor resilience program, consistent with the approach established by Resilience NSW, in response to the Minister's directive. The program takes a risk-based approach to removing dangerous and hazardous trees along strategic transport corridors to improve the resilience of evacuation and emergency services access routes. The program also helps prepare communities for future bushfire seasons and gets people and freight moving more quickly following a bushfire or other extreme weather event. Phase one of the work is underway and there will be further work to continue. Those initiatives are about preparing our communities for bushfires. It is poor judgment to play politics on the issue of saving and protecting lives. [*Time expired.*]

The Hon. ROD ROBERTS (18:22): I speak on behalf of One Nation to support the Hon. John Graham's motion. In saying that, however, I give a little bit of leeway to the Minister. I can see what he is trying to do but he has brought down the proverbial sledgehammer to crack the walnut. The Minister resides on the South Coast, as does Mr Justin Field. Anyone who travels south from Ulladulla on the Princes Highway through to the other side of Eden, for example, will tell you that the highway is littered with large trees growing precariously close to the highway that could be a major hazard. The Minister's directive states:

I am writing to instruct you in your role as Secretary of Transport for NSW to establish a 'clearance zone' around all state-managed highways, by ensuring trees within 40 metres either side cannot obstruct vital road access.

To issue that directive flies in the face of what the Hon. Shayne Mallard said about wholesale clearing because that is exactly what it is. If a person owns private land that abuts a highway—whether it be the Hume Highway, the Princes Highway, the Pacific Highway, the Castlereagh Highway or any other highway in Australia—that is that person's land. What do people do who live on rural land to protect themselves from highway traffic noise? They plant trees. The trees provide a visual screening and act as a sound barrier. Also, those involved in agriculture and use their land for grazing will grow trees to provide shelter and shade for their stock. I am sure the Hon. Emma Hurst would agree that there is a need for shade and shelter for stock. The Minister's directive flies in the face of all those matters. As I said, I give credit to the Minister and I understand that he is passionate about this issue. I saw him, as did we all, during that terrible time when the fire swept through his electorate. But his directive is poorly worded and poorly crafted and will end in complete disaster. One Nation supports the motion.

The Hon. MICK VEITCH (18:25): I make a brief contribution to the discussion and I follow on from what the Hon. Rod Roberts was saying. The practicalities of implementing such a directive were explored at budget estimates with a number of public servants and clearly they had concerns about how to implement this directive. Minister Toole's budget estimates hearing was quite enlightening when we talked to the public servants about what this directive means for rural roads and elsewhere and not just the highways on the South Coast. Think about what this means and then think about how such a policy would be implemented. Think about the fact that at the estimates, senior public servants said that there are problems with the implementation of the directive.

Thinking about those matters, it is quite obvious that the directive is not going to achieve its intention. As an aside, I had a drover ring me after this directive broke in the media. He was quite distressed because, exactly as the Hon. Rod Roberts said, travelling stock need shade. He was quite alarmed that this tree clearing might

actually eventuate. I think for the sake of everyone in New South Wales, the directive should be removed. It is still in place; remove the directive. It is a difficult idea to implement; we should accept that and move on. I commend the motion to the House.

The Hon. TAYLOR MARTIN (18:27): I follow on from my colleague the Hon. Shayne Mallard's excellent contribution. I am advised that phase one of removing at-risk trees has been fully implemented across 127 kilometres of the Gwydir Highway between Grafton and Glen Innes and 223 kilometres of the Princes Highway south of Nowra. That is very important work. In November 2020 further work started on additional vegetation management on the Princes Highway down near Batemans Bay. That work was suspended over the summer holidays to avoid impacting holiday season travellers, which was very important at that time to combat the COVID-19 pandemic. The work recommenced on 1 February 2021 and is scheduled to be completed by the end of this month. Environmentally sensitive areas were carefully assessed and impacts to local wildlife were minimised throughout those works. Aboriginal culture and heritage were also carefully assessed. It is important work and we have outlined just a few of the many reasons why the Government will not be supporting the motion.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I will now leave the chair. The House will resume at 8.00 p.m.

Mr JUSTIN FIELD (20:01): I support the motion moved by the Hon. John Graham calling on transport Minister Andrew Constance to rescind his illegal order to create a 40-metre buffer clearance zone around all State-managed highways. It was horrifying to learn that as much as 140,000 football fields worth of trees would have been cleared as a result of this order should the secretary have complied with it. I do not pretend to be the spokesperson for all South Coast residents who lived through the Black Summer fires, but neither is transport Minister Andrew Constance. I assure members that he does not speak for the majority of the community on the South Coast, who are horrified by the catastrophic impact this order would have unleashed on the region.

South Coast residents still grieve for those who lost their lives and properties in the fires, but there is also a collective grief in the region for the loss of so much biodiversity, the damage to forests and the impact on wildlife. The community is still living with those scars while seeing firsthand what is not recovering. I live seven kilometres from Conjola Park, so I speak from experience. For four or five days we were cut off to the north, the south and the west. We could not evacuate. On the day when kilometres of cars lined up, the roadblock was at the top of my street. My family and I provided power to people so that they could charge their phones to listen to the ABC. We also provided water so that they could stay hydrated for the 14 hours it took for the roads to open, so what is at risk is not lost on me.

I assure members that clearing more trees is not the answer. The community needs a nuanced discussion that will create resilience against future climate change. The NSW Bushfire Inquiry was an important opportunity for people to share their stories and to grieve, but it was also an opportunity to pull apart the political posturing over the reality of living in a forested community in the age of climate change. The inquiry put to bed the idea that just clearing trees would protect residents and showed that no amount of hazard reduction could have avoided the consequences of the catastrophic fires. I call on the Minister to rescind the order and for all members to engage with the inquiry report and have a nuanced debate about what is needed to protect communities into the future. Community protection from bushfires will not be solved by this illegal order.

Ms CATE FAEHRMANN (20:04): I make a contribution in support of the motion moved by the Hon. John Graham. I thank him and other Opposition members for their work in bringing the issue to light during budget estimates. It was alarming to hear the revelation that in February last year the transport Minister directed the Secretary of Transport for NSW to clear trees 40 metres either side of all State-managed highways. I do not normally support the contributions of One Nation members but I agreed with the Hon. Rod Roberts when he said that the directive was like taking a sledgehammer to a walnut. I acknowledge that during bushfires, trees and vegetation have to be cleared for safety, but this was over the top. The directive stated:

I am writing to instruct you ... to establish a 'clearance zone' around all state-managed highways, by ensuring trees within 40 metres either side cannot obstruct vital road access.

The transport Minister has talked about his reasons for wanting to do this, and there is no doubt that he issued the directive. He wanted to see every tree cleared. From an environmental perspective The Greens acknowledge that some vegetation must be cleared for safety, but many of the trees in this State hold significant ecological value and are the only hollow-bearing trees of their kind that support certain wildlife. If some must be cleared during emergencies, then I acknowledge that has to happen, but the directive to clear 145,000 football fields—or 140,000 hectares of land—was ridiculous. The transport Minister recently backtracked and tried to justify what he said, but he said that he would not shift his position. He said he does not care what the bureaucrats or those in the Sydney media think, but hopefully members think that was an unnecessary overreach. The Greens support the motion to withdraw the directive.

The Hon. JOHN GRAHAM (20:07): In reply: I associate myself with the comments of the Hon. Rod Roberts, the Hon. Mick Veitch, Mr Justin Field and Ms Cate Faehrmann. They said that our thoughts should be with bushfire-affected communities. That is an important point that needs to be acknowledged. I thank my colleague the Hon. Daniel Mookhey, who was in his element at budget estimates when his questioning revealed this issue. I make it clear that Opposition members are on the side of the bushfire inquiry, not on the side of this directive. We are on the side of a royal commission, not on the side of this directive. We are on the side of the agencies led by Jim Betts and Rodd Staples, not on the side of the Minister. We are on the side of Minister Toole, not Minister Constance. For the reasons that the Hon. Rod Roberts outlined, we are on the side of a risk-based clearing approach, not the transmission line-style clearing for which the Minister has advocated.

I thank the Hon. Shayne Mallard and the Hon. Taylor Martin for their contributions. Opposition members are concerned that if this ministerial directive is implemented, tens of thousands of trees will be cleared from koala habitat in south-west Sydney, the Blue Mountains and on the mid North Coast, the North Coast and South Coast. The Opposition has concerns that that this would be the largest single act of broadscale land clearing in New South Wales history—far larger, for example, than all the hectares put together of primary forest cleared across New South Wales between 2010 and 2018. The Opposition has concerns that if the land clearing happened, it would be a fatal blow to the Government's target of net zero emissions by 2050. The Opposition has concerns that this ministerial directive is illegal, that it directs the agencies to operate beyond their powers. The Opposition has concerns that this is why the secretary of the department was sacked. The Opposition has concerns that this illegal written ministerial directive would require the felling of more than 16 million trees.

The Minister should withdraw the proposal. The Minister should withdraw in writing this illegal ministerial directive. Ministers are allowed to have silly ideas. I will defend the right of any Minister to issue a ministerial directive. Ministers are allowed to sack their secretaries. Ministers are allowed to disagree with inquiries and royal commissions. I will happily defend the right of Ministers of the Crown in the State of New South Wales to do any one of those things. But I tell you what, Ministers should not be doing all of those things together. This Minister has, and the House has a right to express a view about it. The Minister should withdraw the directive.

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

The House divided.

Ayes22
Noes15
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
Shoebridge
Veitch

NOES

Amato
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones (teller)
Mallard
Martin

Mason-Cox
Mitchell
Nile
Taylor
Tudehope

PAIRS

Secord
Sharpe

Cusack
Ward

Motion agreed to.

*Motions***INDEPENDENT COMMISSION AGAINST CORRUPTION****Messages**

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

Mr PRESIDENT

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

That:

1. The Legislative Assembly disagrees with the Legislative Council proposal for a reference to the Independent Commission Against Corruption as set out in its message dated 17 March 2021.
2. A message be sent informing the Legislative Council of the resolution.

JONATHAN O'DEA
Speaker

Legislative Assembly
17 March 2021

CRUSH AND BESTIALITY VIDEOS

The Hon. EMMA HURST: I move:

That private members' business item No. 1060 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. EMMA HURST (20:21): I seek leave to amend private members' business item No. 1060 outside the order of precedence by inserting at the end of paragraph (2) ", to the extent it is not otherwise illegal".

Leave granted.

The Hon. EMMA HURST: Accordingly, I move:

- (1) That this House notes that:
 - (a) animal crush videos are sexual fetish videos that depict animals being brutally tortured or killed, often using a woman's shoe;
 - (b) an investigation has revealed that animal crush videos are freely available to download in Australia; however, unlike child pornography, it is not illegal to view, possess or privately distribute these sickening videos;
 - (c) in addition to the horrific animal cruelty involved, research shows a strong link between animal sadism, bestiality and other violent crimes against humans; and
 - (d) recent media attention and a petition with over 4,000 signatures demonstrates that the community is deeply concerned about these videos, and is demanding action.
- (2) That this House calls on the Government to ban the production, distribution and possession of animal crush and bestiality videos to the extent it is not otherwise illegal.

Animal crush videos are sexual fetish videos that depict animals being brutally tortured or killed, often using a woman's shoe. An open source investigation commissioned by the Animal Justice Party has revealed that animal crush videos are easily accessible to Australians online. Our investigators were able to easily find over 3,000 videos on the surface web depicting horrifying acts of animal cruelty, including dogs being burned alive, kittens having their eyes pierced with a high heel shoe and a woman killing a puppy by standing on its head. The majority of these videos are hosted overseas, but some websites appeared to be specifically targeting Australian viewers, with one even including the word "Australia" in the domain name.

As an animal rights campaigner for many years who has viewed some shocking footage of animal cruelty, I can honestly say these videos are some of the worst I have ever seen. It is really concerning to me, particularly as a former psychologist, that Australians, including children and young people, are able to easily access and watch these videos. In addition to the terrible suffering of the animals involved, there is a well-established link between animal sadism and violence against humans, making it an important warning sign of other violent crimes. There are similar concerns in relation to videos of bestiality available online. Research shows that those who sexually abuse animals are more likely to sexually abuse humans. Anecdotally, it is also common for those charged with possession of child abuse material to also have bestiality videos in their possession.

It is hard to believe that possessing and distributing crush and bestiality videos like these could be legal in New South Wales, but there is nothing in the Crimes Act to make this conduct an offence. Some people have asked me why our animal cruelty laws do not help. While it is true that cruelty to animals is illegal in New South Wales, most of these videos are actually created overseas outside of the jurisdiction. A similar problem arises in

respect to Federal broadcasting laws, which attempt to deal with this issue. The Commonwealth safety commissioner has extremely limited powers when it comes to taking down or blocking access to videos hosted overseas.

What we need is a specific, standalone offence in New South Wales that criminalises the possession and distribution of crush and bestiality videos in our State. The closest offence is section 578C of the New South Wales Crimes Act, which generally prohibits publishing indecent articles. This is a summary offence, punishable by up to \$11,000 or 12 months imprisonment. However, this provision is seriously inadequate for a number of reasons. Firstly, it captures only the publishing of indecent material. This means that simply possessing and viewing these materials for private use is still perfectly legal in New South Wales. Secondly, in previous cases involving bestiality material, the courts have concluded that sharing these kinds of images and videos between friends or other consenting parties did not breach section 578 of the Crimes Act.

This is really concerning given that our investigation revealed that animal crush videos are primarily distributed through private exchange. It means that most of the current distribution chains of animal crush videos would not be considered an offence under the New South Wales Crimes Act. This is a serious oversight in our law and it needs to be fixed. We need a specific, standalone provision in the New South Wales Crimes Act criminalising this behaviour, just like we have for the production, possession and distribution child sex abuse material. This is a no-brainer. In my conversations with the community, they are shocked and appalled that this could be allowed in New South Wales. I urge everyone in this place to support this motion and join me in calling on the Government to fix this oversight and ban the possession and distribution of crush and bestiality videos in New South Wales..

The Hon. BEN FRANKLIN (20:26): I make a contribution to this debate on behalf of the Government and thank the Hon. Emma Hurst for moving her motion and for her passionate advocacy in this area. I welcome the opportunity once again to highlight the New South Wales Government's commitment to animal welfare and our very strong record on the subject. I state from outset that the Government does not oppose this motion. I, like all members, am appalled by the horrendous examples of heinous cruelty that the member raised. For the benefit of the House, I will detail the reforms that the Commonwealth Government is considering to regulate harmful content online as, ultimately, the regulation of harmful online content is a matter for it.

The Commonwealth Government introduced the Online Safety Bill 2021 on 24 February 2021, which includes an online content scheme to replace the existing scheme contained in the Broadcasting Services Act 1992 (Cth). The new scheme proposes to grant powers to the Commonwealth eSafety Commissioner in relation to class 1 or class 2 material. Class 1 material is material that is, or is likely to be, classified as refused classification [RC] under classification legislation. Under the National Classification Code, material that is to be classified RC includes material which depicts cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults.

Based on those criteria, videos depicting extreme acts of animal cruelty for sexual gratification would fall within class 1 and be subject to the powers of the eSafety Commissioner. Under the proposed scheme, a person will be able to make a complaint to the commissioner if an end user in Australia is able to access class 1 material. The commissioner will be able to give a removal notice to the service, which makes the material available requiring it to be removed. It is proposed that these take-down notices will be able to be issued against services located both in Australia and overseas, directly to the member's point. Failure to comply will carry a civil penalty of up to 500 penalty units.

If a website systemically ignores take-down notices for class 1 material, the commissioner may give an internet search engine service a link deletion notice requiring them to cease providing a link to the content in question. After its introduction, the Online Safety Bill 2021 was referred to the Environment and Communications Legislation Committee for inquiry and report in March 2021. I commend the eSafety Commissioner, Julie Inman Grant, and her commission for all their hard work in this area, and look forward to seeing the implementation of the proposed reforms to better protect our community and regulate harmful online content.

The issues raised by the motion are deeply disturbing and there is no doubt that the community is horrified that these kinds of videos are being produced and the cruelty shown in them. Animal welfare is an area that the Commonwealth and the New South Wales governments have shown their commitment to addressing. That is exactly what we are doing with the Prevention of Cruelty to Animals Amendment Bill 2021, which I introduced in this House yesterday.

The Hon. ADAM SEARLE (20:29): The Opposition supports the motion put forward by the Hon. Emma Hurst. It is disturbing to hear about the existence of sick filth such as the phenomenon of animal crush videos. It is even more disturbing to find that it may not be properly prohibited by New South Wales criminal laws. While I acknowledge the contribution of the Hon. Ben Franklin, much of his contribution was about Commonwealth

Government activity, leaving aside the Prevention of Cruelty to Animals Act amendments that have been introduced. If this motion is passed I hope the Government will take action because while internet regulation is probably a matter for the Commonwealth, with the production, possession and distribution of such material there is no reason why there could not be complementary criminal laws in this State. There should be because merely posting it, uploading it on the internet or it being available to end users is only part of the problem.

While noting that much of the material appears to be produced in other jurisdictions, we cannot rule out the possibility that there may be some domestic production as well. It is very disturbing and the States should act, providing complementary regulation to the Commonwealth to send a very clear signal. If there is a gap in the law, that is a problem. We want to be satisfied that any Commonwealth laws leave no gaps. If there are gaps they should be plugged because the law matters. It sends a very clear signal to everybody about what standards we as a society find acceptable or not. No person of a reasonable disposition could find material of this kind to any extent satisfactory. The full weight of the law should be brought against it. The Opposition supports the motion.

Ms ABIGAIL BOYD (20:31): On behalf of The Greens I support the motion and thank the Hon. Emma Hurst for bringing it before the House. Animal cruelty of any kind is reprehensible and the specific kinds of animal cruelty that the Hon. Emma Hurst has drawn to our attention today are particularly heinous. The sexual abuse of animals and abuse of animals for the sexual gratification of humans must not just be condemned but actively combated. That is what the motion calls for today. Legislation that seeks to wipe out other crimes that are driven in some part by sexual fetish, such as child sexual abuse depicted in child pornography, criminalises not just the abuse itself but the creation, distribution and possession of materials that depict this abuse.

That legislation is a necessary part of our laws. It allows the prosecution of those who incentivise further abuse and gives police the powers needed to investigate this abuse. Animals have no capacity to consent to pain or sexual acts. There is no question about the moral depravity of bestiality or so-called animal crush. We criminalise acts of sexual violation and animal cruelty for good reason. State or Federal legislation that does not also criminalise the distribution or possession of videos that depict these acts is surely an oversight. There is a gap in the law and we have a responsibility to try to fill that gap. The Greens join the call of the Hon. Emma Hurst to urgently criminalise these depraved acts.

Reverend the Hon. FRED NILE (20:33): I thank the Hon. Emma Hurst for bringing the motion to the House on behalf of the Animal Justice Party. On behalf of the Christian Democratic Party I give my full support to the motion. We have raised those issues many times over the 40 years that I have been involved with this Parliament. I have been very disappointed that those loopholes have not been plugged sooner. This is a beginning, and hopefully the Government will respond to the motion when it is carried by the House, as I am sure it will be. I thank the Hon. Emma Hurst for bringing the motion to the House.

The Hon. MARK PEARSON (20:34): I support the motion moved by my colleague the Hon. Emma Hurst, which is extremely disturbing. It is important to note that President Bill Clinton led a bill in Congress to cause the cessation or do as much as possible to put into law the ability to track down and find any person who either makes such a video, distributes it, or in any way participates in its distribution. It is important to note that it is not very far away from snuff videos. What the police and law enforcement agencies have come to learn is that the cycle of violence is very clear. If there is violence of any kind to an animal, it will be linked eventually or at the same time to violence to a human.

Snuff videos are about abusing, sexually assaulting people and then murdering them. This is the dark world that these videos are part of. It is not impossible to stamp it out. Last night *Dateline* reported that the Netherlands is following the example of the UK where they have successfully stamped out 95 per cent of child pornography, black market, undercurrent, underbelly circuits. It is possible to block this material and prevent serious harm to many living beings. I thoroughly support the motion to strike out some of the worst types of violence in our society. I commend the motion.

The Hon. EMMA HURST (20:36): In reply: I thank the Hon. Ben Franklin, the Hon. Adam Searle, Ms Abigail Boyd, Reverend the Hon. Fred Nile and the Hon. Mark Pearson for their contributions. Regarding the comments made by the Hon. Ben Franklin, members of my office and I met with the eSafety Commissioner and talked about the takedown notices and new laws that are being brought in. It was indicated to us that it is not easy to uphold takedown notices from overseas and officers can issue penalty notices but they are nearly impossible to enforce in certain countries where a lot of those videos are coming from. In our conversations, it was recognised that even with the new powers, officers would struggle to take down or block those videos if they were hosted overseas. While I appreciate the comments made by the Hon. Ben Franklin, it is clear to us and through our communications with the eSafety Commissioner's staff that this is clearly not the solution and that the new Commonwealth laws will not close the gaps with crush and bestiality videos; people will still be able to possess, share and own them in Australia. I thank all members for their contributions and ask them to support the motion.

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

SEXUAL ASSAULT AND HARASSMENT

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1087 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (20:38): I move:

- (1) That this House notes that:
 - (a) on 14 and 15 March 2021, hundreds of thousands of people across the country joined protests and actions as part of the March 4 Justice movement, including actions in Albury, Armidale, Bathurst, Bega, Bellingen, Byron, the Central Coast, Clarence Valley, Lismore, Newcastle, Nowra, Orange, Sydney, Taree, Wagga Wagga, and Wollongong; and
 - (b) the March 4 Justice movement seeks to address sexual harassment and sexual assault committed in political spaces and by people in political movements, and failures of the justice system to respond to sexual assault.
- (2) That this House acknowledges that no political party or political institution is immune from sexism, misogyny, sexual harassment or sexual assault.
- (3) That this House acknowledges:
 - (a) the difficulty that victim survivors of sexual harassment and assault may experience in speaking out about their experiences; and
 - (b) that for women in politics there is often pressure that prevents speaking out about sexual harassment and assault experienced in political spaces for fear of reputational damage to the political party or movement to which they have committed themselves.
- (4) That this House calls on the Government to take proactive measures to ensure that Parliament is a safe workplace for all women, and is free of assault and harassment, including by:
 - (a) implementing a confidential reporting mechanism;
 - (b) regularly confidentially surveying all staff working in or for Parliament and its members on their experiences in the workplace, in line with the People Matter Employee Survey conducted by the Public Service Commission;
 - (c) contracting an external organisation to conduct a review of all relevant workplace policies with the view to implementing best practice evidence-based work health and safety policies, processes and procedures;
 - (d) providing sexual consent training to all staff working in or for Parliament and its members; and
 - (e) providing widespread best-practice training on responding to disclosures of sexual harassment and assault.

On Monday, I and many others from this place, along with hundreds of thousands of people across the country, joined protests as part of the March 4 Justice movement. I thank everyone involved in organising the marches across the country and to every person who turned up or showed their support, delivering the clear message to all politicians and all political parties that enough is enough. Let me be very clear: No political party is immune from sexism, misogyny, sexual harassment or sexual assault. It is statistically incredibly likely that there are people working in this Parliament right now who have been sexually assaulted or harassed in the workplace and have not reported it.

I say to anyone who has been triggered by the constant media stories on this issue over the past month and who have found the public debate to have exacerbated their trauma and their feelings of shame, I understand. As someone who was raped for the first time as an 8-year-old, every time I hear commentary asserting that those speaking out about their assault are liars, mentally ill, politically motivated or any of the other despicable things said by some in the media over the past month, it hurts. It makes me furious to know that we still live in a society where people victim-blame, where they fail to question myths around rape and assault, and where they deny a problem in our society that should, in 2021, be beyond question.

For women in politics, there are unique pressures to keep silent about sexual harassment and assault, and to decide to not take action to hold their perpetrators to account. For women in political parties, speaking out does not just jeopardise career progression; it risks destabilising their whole political movement. For those people who deeply believe in their political party as the driver of necessary change, the pressure to sacrifice their own needs and individual justice for the greater good is very real. That is why we cannot just rest on our laurels, point at Canberra and be thankful that right now we do not have current reports of incidents in the New South Wales Parliament on the front page of the papers.

With one in three people experiencing sexual harassment at work in the past five years, and the statistics showing no significant improvement over the past 35 years, we must, as the Australian Human Rights Commission recommends, shift from the current reactive model to a proactive one in our efforts to stamp out violence against women in the workplace, in politics and everywhere. We have a responsibility to actively and confidentially survey everyone in our Parliament and related offices, regardless of who they are technically employed by, to ensure that everyone is safe and feels safe in their workplace. I acknowledge the work that has already been done using the People Matter Employee Survey in relation to parliamentary staff. I ask that this be rolled out to survey all staff regularly and confidentially, including those who work in members' offices and electorate offices.

We also need to ensure that we are respecting the work of specialists in this area, by involving them so that we have best-practice evidence-based work health and safety policies in relation to sexual assault and harassment. We should also seek the expertise of those specialist organisations in choosing or designing appropriate sexual consent training for all staff working in or for Parliament and its members. We know that there are people in our Parliament, and in offices connected with members of Parliament, who have spoken out about their experiences and received an inadequate response, and there are likely to be many more in a similar situation. That is heartbreaking.

The first response to disclosure of sexual assault or harassment is critical. That response can heavily impact on the progress that a person will make in dealing with what has happened to them, and with the impacts of trauma caused by their experience. Receiving a disclosure of sexual assault and responding in a manner that does not cause more harm than good is not something that we all just instinctively know how to do; it is something we need to educate ourselves about. That is why it is critical that all workplaces, including this one, not only establish a well-publicised and confidential reporting mechanism to be the first point of contact for disclosures, but also implement best-practice training on responding to disclosures of sexual harassment and assault for all those who are likely to receive disclosures outside of that mechanism. The current momentum for change is powerful, but it is also incredibly difficult for survivors. We must ensure that the efforts of so many survivors to prevent further violence are not in vain, and enact the cultural change that is needed. This motion asks us to take concrete proactive action in this Parliament to do our part in progressing that cultural change and in ending violence against women. I commend the motion to the House.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (20:43): I thank Ms Abigail Boyd for her contribution and for her motion on such an important issue. There is no doubt that it has been a very tough time for women in New South Wales and in Australia. Last Monday it was great to see so many women and men marching for justice in Sydney and right across the country. People marched peacefully and safely, while their calls for change were thunderous and unequivocal. It was an opportunity to hear the voices of women and men deeply concerned about violence against women. It was also an opportunity for people to challenge the status quo, to challenge others and to challenge themselves. But, most importantly, it was an opportunity for women to be heard.

On Monday I was joined by a number of Government members, including Deputy Premier John Barilaro; Attorney General, and Minister for the Prevention of Domestic Violence, Mark Speakman; Minister for Energy and Environment, Matt Kean; and Ms Felicity Wilson, as well as many other members from different parties across the Chambers. This Government is committed to improving the prevention and response to violence against women, including sexual assault and sexual harassment. The NSW Sexual Assault Strategy 2018-2021 is a comprehensive framework to improve prevention and response to sexual assault. The strategy, which delivers a whole-of-government approach to sexual violence, falls under the portfolio of the Attorney General, who is doing a very good job. It sets out a coordinated approach to sexual assault in New South Wales under five key priority action areas: prevention and early intervention, education, supporting victims and survivors, holding perpetrators to account and reshaping the service system.

The Attorney General is also undertaking a review of consent laws. The Standing Committee on Parliamentary Privilege and Ethics is also reviewing a proposal for a Parliamentary Compliance Officer who may, amongst other things, receive and investigate confidential complaints about alleged breaches of the Code of Conduct for Members, including allegations of bullying, harassment and other types of grievances; misuse of allowance and entitlements; and other less serious misconduct matters falling short of corrupt conduct. Tonight the Premier announced that there would be another review of these matters throughout the Parliament—ministerial offices, electorate offices et cetera. She said she will leave no stone unturned to check that processes are in place. Every person has a right to feel safe. Every person is valued. I hope that bad behaviour continues to be called out and that we continue to support women in this place.

The Hon. MARK LATHAM (20:46): I was shocked to learn of the crime that was committed against Ms Abigail Boyd when she was young and I express my sympathy for the trauma that she will carry for the rest

of her days. Criminals should spend a long time in jail for that sort of offence. As someone who served for over a decade in the Federal Parliament, one of the things that jars me in this debate—and from earlier today I know that it is cranking up in this building as well—is the suggestion that there is one homogenous workplace culture. There is not. In Canberra there are probably 100 different cultures, just as there are 100 different political views and dispositions, and different ways that people manage their offices.

I put on the record that there are some wonderful political offices to work in—collegiate, cooperative with people trying to work together to build a better country and a better society—and others that are obviously pretty terrible. But what I find uneasy, and where I am uncomfortable in this debate, is the idea that somehow the responsibility of a member of Parliament, who is elected here for these high duties, is to be delegated out to a consultant, a reviewer, a tribunal or a kangaroo court. Ultimately it is the responsibility of a member of Parliament to ensure that every person who works for them feels safe in coming to work, and that they remain safe for the length of their duties that day and every other day they work for them.

If members of Parliament are not discharging that responsibility, then colleagues—and everyone has a colleague in this place—need to step in and do something about it. Ultimately it is the responsibility of the member of Parliament. But if they do not discharge that responsibility, and other members know about it and they let it run amok, then that is the core of the problem. These debates have gone on a long way out of perspective and a long way out of balance.

One of the core problems in Federal Parliament House is that people are there 24/7 living and breathing politics. They do not go home, as we do here, to a normal family life and hug their kids or partner. They do not hang out with friends for a limited time. They do not come back to work on public transport and have a sense of normality about their life. In Canberra, they plot against each other 24/7. That environment spreads rumours and politicises everything. The fact that Christian Porter has been the subject of the politics of personal destruction, which started with material fed to the media by Malcolm Turnbull, shows that everything in Canberra is political. Everything is political.

Those matters get rolled into that political rubric as well. I call for balance. I cannot support some elements of the motion because I think they are out of proportion. I find the idea unrealistic that at age 60 I will have to undertake sexual consent training as a grown adult who has been involved in public life for a long while. Instead, we need to observe the points made in the motion, many of which have substance, and reinforce the responsibility of members of Parliament to provide a safe workplace rather than delegating the role to other people. I heard today that Pru Goward is conducting a secret inquiry, which I find quite ridiculous.

The Hon. TARA MORIARTY (20:50): On behalf of the Opposition I support the motion. However, I flag that I will move on amendment. It is really important for us to acknowledge the action taken this week by women and many others across the community, joining together in the tens of thousands for the March 4 Justice rallies across Australia. I was proud to join the Leader of the Opposition and many Labor colleagues at that rally at Sydney Town Hall and proud to stand with many thousands of others to say in solidarity that enough is enough. I acknowledge similar rallies that took place in regional areas of New South Wales and in Canberra, where recent events took place.

The March 4 Justice movement seeks to address a lack of action regarding sexual harassment and assault of women generally but, given the public debate of recent weeks, the focus is on us, our Houses of Parliament, our workplaces and our political parties. The focus is on how we are dealing with those issues and whether we have the appropriate processes in place. It is up to all of us, our parties and our institutions, to do everything we can to ensure that our workplaces are safe places for people, especially women, to work in. We certainly need all the checks and balances, reporting mechanisms, guides and rules of behaviour, but most importantly we need to foster good culture. We need to live and practise the values that we espouse. It is particularly important that institutions like Parliament are the best that they can be because we set the rules and laws for everyone else to follow.

It can be very difficult for women to feel like they can speak up through available formal channels. We are all here because we believe in our causes and our parties and we want them to succeed. Better processes can help everyone keep good culture, empower people to call things out and deal with issues as they arise. My political party has done a lot of work in this area and is strengthening our processes all the time, including now. As a senior member of my party and an office-holder for a very long time, I take it very seriously and always have. This motion is calling for more proactive measures to ensure that this Parliament is a safe workplace and we should all support that principle.

The best way to do that is to engage and consult with all members, our staff and relevant unions to develop an independent mechanism by which issues can be raised. We support revealing policies, consent training and

best practice reporting, but frankly we should all treat those things as living and breathing processes by ensuring a culture of good work practices and respectful behaviour across the board. I move:

That the question be amended by inserting at the end:

- (5) That the Presiding Officers of each House develop an independent investigative mechanism, in consultation with members and all staff who work in Parliament and relevant unions.

The Hon. EMMA HURST (20:53): I indicate my support for the motion moved by Ms Abigail Boyd and I thank her for her very raw, powerful and vulnerable speech that she gave in this House. On Monday I was proud to join over 100,000 men and women in the March 4 Justice protests held around Australia. Like others, I have been completely horrified and outraged at the recent wave of reports of sexual assault against young staffers in Federal Parliament—but also not surprised. As any woman in this place could tell you, sexism, misogyny and discrimination are alive and well in politics and our broader community. Let me be clear: This is not an issue that is confined to Federal Parliament.

I was deeply concerned to hear one of the speakers at the protest outside the New South Wales Parliament on Monday talk about her experiences of abusive conduct inside the walls of this place. I am sure that other women in this building have stories like hers. It is 2021 and women have a right to go to work without the threat of violence or discrimination. The reforms proposed by the motion moved by Ms Abigail Boyd are sensible and will go a long way to ensuring that New South Wales Parliament is a safe workplace for everyone. Enough is enough. I urge every member to support this motion.

Ms CATE FAEHRMANN (20:54): I congratulate my colleague Ms Abigail Boyd on moving the motion and bringing the issue to this place. I too was at the march in Sydney on Monday with tens of thousands of women and their supporters. We saw images of the March 4 Justice protests across the country. On Monday we saw that marchers in Canberra delivered a petition to the Federal Parliament. I note that the Australian Greens Senator, Larissa Waters, today moved a motion in the Senate calling on the Government—calling on everybody—to support that petition. In fact the Government wanted to vote in favour of the petition but against the part that asks the Parliament to act upon those requests. That is a disgrace.

The contribution by the member of Pauline Hanson's One Nation party probably also had that sentiment. We are not talking about the role of individual parliamentarians. Over the past few weeks we have experienced an outcry from women pouring out their experiences. We heard Chanel Contos speak about her experience at the hands of private school boys. I went to a private school. In the eighties I went to parties pretty much every weekend where we were slapping away the hands of boys who were groping us and our friends. That was the eighties and the nineties and it is still continuing. I saw a woman at the protest holding a placard that read, "I was here marching for women's equality, women's rights, in 1970. How am I still here?"

This is about misogyny. This is about the culture that creates the situation where we have 30,000 people, including schoolgirls, signing a petition because they too have experienced sexual assault at the hands of schoolboys at private schools—just in Sydney. We are talking about 5,000 testimonies. We are talking about what Brittany Higgins has gone through. We are talking about what Kate alleged she went through and, unfortunately, she took her own life. Her allegations against Commonwealth Attorney General Christian Porter are extraordinarily disgraceful and awful. This motion is about this Parliament showing leadership around sexual consent training and surveying all staff to see their situation.

The Hon. Emma Hurst referred to the story we heard at the front of Parliament House. When that woman told her story, another woman was in the crowd saying, "Me too. I also work in that place and I too have experienced assault." Those women were crying out about assault. I support the motion. It is not one particular MP's office; it is right across the board. We need to show leadership and please let us not just say it is up to each individual person. Every one of us has to take responsibility.

The Hon. ADAM SEARLE (20:58): I indicate that I wholeheartedly support the motion and its sentiment. I also support the amendment moved by my colleague the Hon. Tara Moriarty. I move a further short amendment to paragraph (4), which reads:

That the question be amended by inserting in paragraph (4) "and the Presiding Officers of both Houses" after "calls on the Government".

I wish to include those words because the action points called for in paragraph (4) are powerful and important, but they require the engagement of the Presiding Officers of this House and the other place if they are to be made operative. In speaking briefly to the second amendment and to the amendment moved by the Hon. Tara Moriarty and the motion itself, I indicate that I was very proud to march on Monday with my daughter, my partner, friends and colleagues including the Leader of the Opposition in the other place, the Hon. Tara Moriarty, the Whip and Deputy Whip in this place, the Deputy Leader of the Labor Party, the members representing the electorates of

Maitland, Port Stephens, Summer Hill and Granville, and many other colleagues. We are very proud to be part of this movement for significant change.

Of course marches do not do the hard work of creating change, but they create the opportunity by showing people who make these decisions, including us, that there is a powerful, raw, urgent and pressing case for change. No-one could not be disturbed by the revelations that we have seen coming out of our national capital and as this motion makes clear, no workplace, no political parties and no House of Parliament statistically can be free of these terrible behaviours. I take the point raised by the Hon. Mark Latham. There is not one workplace culture, but what you do see in society is a consistent pattern where women and their work are undervalued and where men, often young men, have a culture of entitlement across a range of behaviours. Without tackling the root causes of that and without providing proper education and training, these problems will not go away, particularly in small workplaces.

We see it with small businesses; they do not have fully fledged HR departments. In small workplaces these matters can be very difficult to deal with. A member of Parliament elected here to do a job does not have the skills of an HR department and it must be said that the HR department that the Parliament provides does not always have the skills and tools at its disposal. The motion is simply calling for a reskilling and re-tooling, some education for members and for staff, and making sure that we do have the resources, the training and the awareness to tackle this problem at its root and say, "Enough. No more." That includes safe reporting and evaluation, but there also needs to be a mechanism where people can actually have this safely investigated, not just for the potential victims but also for members themselves.

Reverend the Hon. FRED NILE (21:02): I thank Ms Abigail Boyd for bringing the motion to the House. I support her plea that the workplace should be a safe place for every woman but also for men as well, as we hear reports about both males and females. But obviously the priority is to protect the workplace as far as females are concerned, particularly in our parliamentary offices and in Parliament House itself. I fully support the motion and the amendments as well. I hope that as a result of the protests in Canberra and other places there will be a change of mood in Australia dealing with this issue—a positive change where women will feel safe in their workplace, in their home, on our streets and in every other place. I am pleased to support the motion.

The Hon. JOHN GRAHAM (21:03): I support the motion. For me, the striking thing has been the bravery of the young women who have come forward; it has been remarkable. That is the particular reason why I support this motion. I also thank the member who brought the motion to the House and acknowledge her bravery as well. It does feel like a moment of change. I hope we really can leverage this. I watched the Premier make her statement today about the review she has undertaken and it was a very genuine statement. I know the views of our leader and it does seem like a moment where, with these two leaders of the major political parties in New South Wales, it might actually be possible to drive a very significant change in the culture here in this State.

Ms ABIGAIL BOYD (21:04): In reply: I thank everybody who spoke on the motion and for their support for the motion. I thank the Hon. Bronnie Taylor, the Hon. Emma Hurst, Ms Cate Faehrmann, the Hon. Adam Searle, the Hon. Fred Nile, the Hon. John Graham and the Hon. Tara Moriarty. I agree wholeheartedly with the amendments that have been put forward by the Opposition. The motion is appropriately something that requires the Presiding Officers to be involved. I thank the Hon. Tara Moriarty for paragraph (5) of her amendment, which recognises that a lot of this change can only occur with the views and input and buy-in of the staff in this place.

I thank the Hon. Mark Latham for his honest contribution. I get it. We are never too old to learn. I have been through consent training with people who are significantly older and it is quite confronting, and I understand that, but they have learnt something from it. This is an example of why we need to do this sort of thing. In amongst everything else that has happened this month, I think that this is a really heartening moment for us as a Parliament to come together across parties and support these concrete actions. Just one woman being abused in this Parliament is one woman too many. I am pleased with the support for this.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Ms Abigail Boyd has moved a motion, to which the Hon. Tara Moriarty and the Hon. Adam Searle have moved amendments. The question is that the amendment of the Hon. Tara Moriarty be agreed to.

Amendment of the Hon. Tara Moriarty agreed to.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the amendment of the Hon. Adam Searle be agreed to.

Amendment of the Hon. Adam Searle agreed to.

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

Motion as amended agreed to.**MESSAGE**

The Hon. TARA MORIARTY: I move:

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

Motion agreed to.**COVID-19 AND HEALTHCARE WORKERS**

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 1092 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (21:10): I move:

- (1) That this House notes that:
 - (a) frontline health workers across New South Wales have been critical to our ongoing response to the COVID-19 pandemic;
 - (b) our health workers are heroes, they have continued to keep our communities safe, often risking their own health and wellbeing to do so;
 - (c) the Berejiklian Government has made the decision to reintroduce paid parking from April 2021, which is effectively taxing our frontline workers and could see our heroes charged more than \$1,000 a year to carry out their work;
 - (d) our health workers are already overworked and underpaid as the Berejiklian Government cut health workers pay last year; and
 - (e) the Berejiklian Government has made this decision when the COVID-19 pandemic is far from over. On 13 March 2021, Dr Ryan from the World Health Organization stated, "The Australian population remain overwhelmingly susceptible to this virus."
- (2) That this House condemns the decision of the Berejiklian Government to place a serious financial burden on health workers who have continued to protect our communities throughout the COVID19 pandemic.
- (3) That this House calls on the New South Wales Government to reverse the cruel and unfair decision immediately.

NSW Health workers have been the heroes of the COVID-19 pandemic, working each day on the front lines to keep people safe. They have worked in incredibly stressful and high-pressure environments. They have risked their health and wellbeing to protect residents across the State. Yet the Berejiklian Government has thanked these heroes for their hard work and sacrifice during a global pandemic by making the cruel and heartless decision to force them to pay for parking to undertake their essential work. This essentially amounts to a parking tax on hospital workers. Despite the rhetoric from Premier Berejiklian and the Minister for Health and Medical Research around how essential these workers have been to the wellbeing and safety of the State, unfortunately their words have been extremely different from their actions with regard to health workers.

Ripping free parking from hospital workers when the pandemic is far from over is nonsensical. The World Health Organization says that Australian citizens remain at high risk of coronavirus. On 1 March 2021 Dr Kerry Chant said that 2021 could be a more challenging year than 2020 for the State. Forcing many health workers to rely on public transport only during a pandemic, where passenger risk is significant enough for the Government to mandate masks and social distancing, is short-sighted. Additionally, transport health workers often work shifts and irregular hours, which means that public transport is not a viable option for them at all times. The decision could also have major implications for parking around hospitals. Workers who cannot afford to pay the new "parking tax" will instead park in surrounding streets.

With the Liberal-Nationals Government cutting free parking, overworked and underpaid hospital workers may have to pay more than \$1,000 a year to undertake their essential work that keeps us all safe. It is not fair to rip much-needed money from hospital workers. When a hospital worker earns \$50,000 to \$60,000 per year, taking \$1,000 of their wages is a gigantic hit to their families and household budgets. They are already underpaid, with the Berejiklian Government last year cutting the pay of health workers. They are devastated that during a pandemic, when they are protecting the community, the Liberal-Nationals Government has slashed their incomes. The Berejiklian Government is once again coming after the pay of these essential workers. It is disgraceful. It is even more disgraceful that during the pandemic the Liberals and Nationals have been happy to give themselves pay rises. Premier Berejiklian was more than happy to hand over a \$17,000 pay rise to the Hon. Damien Tudehope while slashing the pay of health workers, who have protected our communities on the front line in dangerous circumstances.

The Liberal-Nationals Government is also hiring more senior executives, with pay levels in the public sector growing by more than 11 per cent, despite an election promise to cut back on such recruitment. The Berejiklian Government is hiring more and more executives who take home six-figure salaries while it takes money out of the pockets of frontline workers, with pay cuts on top of that. The Government is imposing a tax on health workers to park at work to keep our hospitals running smoothly and safely. Its priorities are clear, and the Liberal-Nationals Government is certainly not taking care of frontline workers.

The Health Services Union has led the way by standing up for health workers and calling for a halt to this cash grab. Labor will continue to fight this car parking tax, which will place a gigantic financial burden on the State's health workers. The Berejiklian Government should not profiteer from hospital car parking fees. The Liberal-Nationals Government needs to stop taking money out of health workers' pockets. It would be immoral if this tax is not reconsidered and revoked. The decision needs to be reversed forthwith. I commend the motion to the House.

The Hon. SCOTT FARLOW (21:14): The New South Wales healthcare system is the largest in Australia, and among the biggest and best in the world. As the vaccine rolls out and operations at public hospitals return to normal, it is critically important that patients and visitors can access health services. With pre-COVID activity levels resuming—about which we have heard quite a bit this week in relation to elective surgery—it is time to restore the usual parking provisions for hospital car parks that were in place prior to the pandemic. The provisions include various staff parking options, as well as encouraging active and public transport. Perhaps the parliamentary friends of active transport would be interested in that.

More than 145,000 healthcare staff are employed across 15 local health districts, three specialty networks and 228 public hospitals. On average the dedicated teams tend to more than 1.9 million admitted patients each year. Hospital car parks were not designed to provide parking to all staff employed at a facility, with patients, carers and visitors also requiring spaces. The Government has acted quickly in unprecedented circumstances to provide safe access to work for health staff in a once-in-100-year pandemic. At the time the policy was introduced, recommendations were in place to avoid public transport where possible while the State braced for an unknown number of local cases. Thankfully the horror scenarios that have been seen around the world did not eventuate in New South Wales.

The Government appreciates the challenges experienced by frontline healthcare workers over the past 12 months and put in place several strategies to reduce stress on staff, who have been working around the clock to respond to the COVID-19 pandemic. Those included the provision of accommodation and free parking. Both were announced as temporary measures. The Government also liaised with local councils to see how they could help support hospital staff during the pandemic. It allocated \$1.6 billion to help tackle the virus in the 2020-21 budget in addition to the \$1.3 billion allocated for the COVID-19 health response in 2019-20. As things return to normal and consumers, customers and patients return to hospitals in larger numbers, it is vital that the Government manages the capacity in public hospital car parks to ensure that members of the public and staff can access health facilities.

I encourage all members to reject the motion and listen to the needs of NSW Health to maintain appropriate access to campuses as hospital activities continue to increase. It is critical that patients, their families and visitors have access to health services when they need them most. Given the easing of COVID-19 restrictions, including those that were eased today, restoration of pre-COVID-19 car parking access and standard charging arrangements will recommence from 5 April 2021.

The Hon. ADAM SEARLE (21:17): I make a contribution in support of the motion moved by the Hon. Mark Buttigieg. It is curious that the Government response to this is that patients and staff need access to hospital precincts. Well, of course they do, but the reintroduction of paid parking will put up a barrier. Paid parking was a feature pre-COVID. I note that community transmission is low and that hopefully, despite the easing of restrictions, the State can maintain the normalcy that has been achieved through the hard work of health workers and the community in fighting this pandemic. Members need to reflect on the fact that the cleaners and allied health workers who make our hospitals run are amongst the lowest paid people in the community and they are paying to go to work.

There is not always effective public transport available to them. Assistant President Roberts, living where you and I live in the Blue Mountains, access to Nepean Hospital via public transport is not always as easy as it could be. Patients, visitors, families and, yes, the workers themselves have to pay to attend the health system, including the hospitals where they work. It is a matter of record that last year the Government sought and achieved a record low pay rise for public sector workers: 0.3 per cent at a time when inflation was running close to 2 per cent. It was a pay cut, in other words, which impacted most harshly on those who are already low paid.

Compounding that felony of, effectively, a pay cut for some of the lowest paid workers in our community—vital workers who were keeping our health system operating—by saying to them now, "You are going to be taxed for doing this essential work" is just not on. Labor acknowledges the hard work of the Health Services Union, its officials and, most importantly, its members in raising their voices against this injustice and asking that they be heard. This motion is very straightforward. We should send a very clear signal to the Government that the reintroduction of paid parking at hospitals at this time, at least, is not on—unless the Government is saying that the pandemic has been defeated and it is all okay. We have achieved many great things in tackling the pandemic, but we cannot be sanguine about this. Taxing low-paid workers for going to work should not be allowed.

The Hon. ROD ROBERTS (21:21): One Nation supports the motion moved by the Opposition Whip. I agree with the comments of the Hon. Adam Searle, but I come at the matter from a different angle. I do not come at it from a financial viewpoint, although I wholeheartedly endorse what the Hon. Adam Searle said. I come at it from a safety viewpoint. The Parliamentary Secretary said that we are going back to a pre-COVID condition. Whether it was pre-COVID or not, I do not believe that it is proper, appropriate or safe for hospital staff.

I will be very careful with the words that I use because I certainly do not want to be labelled sexist, but I think I am speaking factually when I say that a large majority of our nursing and hospital staff are females. My concern is about forcing them to walk long distances at night to wherever their motor vehicles may happen to be parked because they are not provided with safe parking. We know that hospitals are not safe workplaces. A number of inquiries have been conducted into assaults on doctors, nurses and hospital staff. I do not wish to be a doomsayer and I am touching wood when I say this, but it is only a matter of time before a nurse or hospital staff member is assaulted on the way home from work. It is incumbent upon the Government and, in fact, any employer to provide a safe workplace. For that reason, One Nation supports the motion.

Ms CATE FAEHRMANN (21:23): I support the motion of the Hon. Mark Buttigieg relating to frontline health workers. At a time when they are indeed heroes, it is disgraceful that the Government has chosen to reinstate parking fees for those workers and tax them in the way that the honourable member outlined. Those people have gone to work in extremely stressful situations. They have gone to work not knowing just how serious this pandemic was going to get. They have gone to work having seen the statistics from across the world, and knowing that thousands of frontline health workers around the world—including some health workers in Victoria—have died as a result of exposure to COVID-19. Just the other night 7.30 ran an interview with one aged-care worker who is experiencing really horrendous symptoms of what is called long COVID. No-one knows exactly how long it lasts, what the symptoms are and what it will be like in the long term. Even eight months afterwards, what patients experience is really awful. That is what frontline workers in New South Wales still face every day. Yes, it looks like we have the pandemic under control at the moment but, as the Hon. Adam Searle said, it is not over.

Some of the work that the Government has done during the pandemic in keeping businesses and others afloat has been excellent. Right now our frontline health workers need the support of the Government. It is the very least that the Government can do after it has thrown money at various important services. Frontline health workers need to see the Government acknowledging that they are still putting themselves forward in a really difficult time. I acknowledge the fact that a lot of them are not paid very highly. A lot of them have to travel long distances. We know the risks of taking public transport; that is why we all still have to wear masks on public transport. Why on earth would we compound the risks that our health workers already face within the health system by forcing some of them to catch public transport because they cannot afford parking, for goodness sake? The Greens wholeheartedly support the motion and thank the Opposition for moving it.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:26): I feel obliged to say something in this debate, because in his contribution the mover of the motion referred to a pay rise that he allegedly attributed to me.

The Hon. Adam Searle: It was an attack on the Premier, rather than yourself.

The Hon. DAMIEN TUDEHOPE: Well, let it be known—and I think the Hon. Scott Farlow interjected—that I gave that money away. I gave it to the Society of St Vincent de Paul, because my brother runs a soup kitchen in Melbourne. There are lots of people who do not have jobs, who line up every day for a meal, and I gave them every single cent of that pay rise. Next time the member wants to use me as an example, he should make sure he puts it in context. I would be the first to want to support people and make sure that they have a job. There are plenty of people in this community at the moment who do not have jobs. Rather than playing the politics of envy, which is at the heart of this motion—pitting those people who have something against those who do not have a job—we ought to be saying that we stand for all those people who may be coming off JobKeeper shortly and may not have a job, and encouraging the Government to do all that is necessary to make sure that we create jobs. The focus of this Government since the start of the pandemic has been to protect people's jobs.

Calling the decision of the Industrial Relations Commission a felony does not do the Leader of the Opposition any credit. Plenty of offers were made in relation to those proceedings that the participants in the proceedings elected not to accept. A decision by an independent tribunal, which the Government was perfectly entitled to seek—an independent determination of the appropriate pay rise—should never be called a felony. It is the appropriate course that the system of justice in this country adopts. It was the decision of those who wanted to take those proceedings to their conclusion that effectively guaranteed the result, which was decided by an independent arbiter. It was not the Government's decision. It was not the union's claim. It was a decision made by an independent arbiter for the purposes of delivering what was perceived, in the circumstances, as the appropriate adjustment in relation to wages. I say to the mover of the motion that it was a really inappropriate thing to say. The motion is motivated by the politics of envy, and that should motivate every member to vote against it. [*Time expired.*]

The Hon. COURTNEY HOUSSOS (21:29): I make a brief contribution to the motion moved by my colleague the Opposition Whip. Firstly, I commend the Health Services Union for its campaign on behalf of these frontline heroes. These were the people on the frontline for what some would say was 12 short months and some would say 12 long months. As we stayed at home and were told to stay at home, they went out every day and did their job without knowing what the consequences were going to be. As Ms Cate Faehrmann said, these workers looked around the rest of the world and saw people like themselves going to work in Italy, the United States and England, and not coming home to their families, or coming home terrified about what they were bringing home to their families.

I make the point that we are not through the pandemic. In fact, the health Minister said just last week that the biggest threat at the moment is complacency within the New South Wales community. Yet we are getting mixed messages from the New South Wales Government when it says, "We are not through the pandemic, but it is time to start jacking up the parking fees for our frontline heroes." This Government has been keen to heap praise on these frontline heroes, and it has had two clear opportunities to put its money where its mouth is. Instead, it has cut the wages of these frontline workers and now it has reimposed parking fees. This hits the hip pocket of every frontline worker. From our cleaners to our nurses to our doctors to our security guards—to all of our frontline workers, it is going to hit them whilst we are still in the mist of this pandemic. It is a short-sighted, unfair decision. I commend the HSU for its campaign and the Opposition Whip for bringing the motion to the House.

The Hon. WES FANG (21:31): I make a brief contribution to the debate on the motion moved by the Opposition Whip. At the start of the pandemic, this Government announced a number of changes and initiatives, including not imposing parking fees on frontline workers, in acknowledgement of the times that we were in. What we are seeing from those opposite is an opportunity to kick the Government when it returns the status quo. It is not about imposing something new on these workers; the Government is returning what is the status quo. The Government knows it is playing with politics in a situation where it does something to make the lives of frontline workers easier and better, and then it returns the status quo at an appropriate time. It shows the politics of those opposite, and as the Hon. Damien Tudehope so eloquently said, it is the politics of envy of those who do not have enough. It is a disgrace that this matter has come to this House in this manner.

The Hon. MARK BUTTIGIEG (21:32): In reply: I thank my colleagues for their contributions: the Hon. Scott Farlow, the Hon. Adam Searle, the Hon. Rod Roberts, Ms Cate Faehrmann, the Hon. Damien Tudehope, the Hon. Courtney Houssos and the Hon. Wes Fang. Thank you for the interest. I will directly address the contribution of the Leader of the House: You have to understand that I did not know that extra bit of information, but that was not the point. The point was that the Premier was more than happy to hand out a \$17,000 pay rise in the midst of a pandemic. Taking up the point made by my colleague, I remind the House of some of the things that were said at the time and how the frontline health workers were lauded. Premier Berejiklian said:

Our healthcare workers are on the frontline of our battle with COVID-19 and we need to do whatever we can to support them during this difficult time.

We hope this new measure makes life a little easier for our doctors, nurses and other hospital staff who are working hard to keep us all safe.

Minister Hazzard said:

This means all rostered on staff from doctors, nurses and allied health staff to our other frontline heroes—the cleaners and security staff who make sure our hospitals run smoothly—can park for free at public hospital car parks.

It is critical that our frontline workers are able to access their place of work as easily as possible and we are taking these measures to ensure that is the case.

Premier Berejiklian then said in a Facebook post:

I just wanted to take a moment to thank our incredible frontline workers during this difficult time.

Whether you are a nurse, teacher, paramedic or bus driver—we thank you all from the bottom of our hearts for being there for us when we need you most.

Thank you for your efforts in supporting our community.

The Treasurer then came down from what was a minimum 2.5 per cent a year rise for these same workers and applied a wage freeze of 0.3 per cent during the midst of an inflationary rate of 1.2 per cent, to be conservative, which is effectively a pay cut of about 3.2 per cent. On top of what is in effect a 3.2 per cent loss in spending power while these frontline workers are putting their lives on the line and risking themselves for us, our welfare, safety and wellbeing, the Government now wants to pull away free parking from these workers and effectively tax them a thousand dollars a year. It is unacceptable.

If the Government is being genuine towards these frontline workers, it would reverse its decision. It is a disgraceful decision. The impression we got from the debate on the motion, however, was, "The pandemic is over and we are back to taws, so everything is good again." It is not over. The Government is going out there every day 24/7 on the media saying how we are still in danger and we need to be vigilant. These frontline health workers are putting their lives on the line for us and the last thing they need is another thousand-dollar cut out of already reduced spending power. I urge the Government to reverse its decision. I commend the motion.

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

The House divided.

Ayes22
Noes15
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
Shoebridge
Veitch

NOES

Amato
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones (teller)
Mallard
Martin

Mason-Cox
Mitchell
Nile
Taylor
Tudehope

PAIRS

Secord
Sharpe

Cusack
Ward

Motion agreed to.

Documents

SCHOOL INFRASTRUCTURE

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1041 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (21:46): I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, created since 1 November 2020, in electronic format if possible, in the possession, custody or control of

School Infrastructure NSW [SINSW] or the Minister for Education and Early Childhood Learning relating to School Infrastructure NSW projects:

- (a) each SINSW 2019/20 Works in Progress Summary report for each New South Wales electorate; 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.

I will be very brief. I appreciate that the hour is late and that this is a relatively straightforward request for some documents that we have received through various Standing Order 52 requests before. This is merely asking for an updated version of them. These documents provide a summary of the infrastructure works in progress from School Infrastructure NSW. It is basic and important information that should be on the public record and available for members of this House to review. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:47): The Government does not oppose the Standing Order 52 request.

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

Motion agreed to.

BEFORE AND AFTER SCHOOL CARE

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1086 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (21:48): I seek leave to amend private members' business item No. 1086 outside the order of precedence for today of which I have given notice by omitting "21 days" and inserting instead "28 days".

Leave granted.

The Hon. COURTNEY HOUSSOS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of the Minister for Education and Early Childhood Learning, the Department of Education, the Premier or the Department of Premier and Cabinet relating to before- and after-school care and vacation care:

- (a) all reports, briefings, memoranda, emails, email attachments and correspondence relating to the before- and after-school care needs survey undertaken by Service NSW;
- (b) all reports, briefings, memoranda, emails, email attachments and correspondence relating to the 2019 Have Your Say survey on before- and after-school care;
- (c) all reports, briefings, memoranda, emails, email attachments and correspondence relating to the 47 OSHC Hubs including but not limited to documents relating to unmet demand and/or the availability of suitable space to place the modular facility;
- (d) all ministerial briefings from 1 January 2019 to 16 March 2021 to the Minister for Education and Early Childhood Learning relating to before- and after-school care and vacation care; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be very brief again. The Government made a crucial commitment just weeks before the election that every family would have access to before- and after-school care by 2021. Since the Government made that commitment, it has sought to backtrack. Then only a couple of weeks ago it made an announcement about hubs for before- and after-school care. We are seeking a great deal of information on this issue. That is why we have granted the request from the Minister to extend the period to make the information available. We think that it was an important promise and it is incredibly important that we hold the Government to account for it.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:49): The Government will not oppose this call for papers under Standing Order 52. I also acknowledge the extension of time to 28 days. There is a lot of information being sought, which the Government is happy to provide and be transparent. We are proud of our election commitment in this space, but it is quite a large call for papers. That is why we appreciate the 28 days that has been given to us by the mover of the motion. As I said, we will not oppose the motion.

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

Motion agreed to.

*Motions***TRIBUTE TO LILLIANE BRADY, OAM**

The Hon. SAM FARRAWAY (21:50): I move:

That this House:

- (a) acknowledges with sadness the passing of Councillor Lilliane Brady, OAM, on 7 February 2021 at the age of 90 and extends its deepest sympathies to her family;
- (b) acknowledges the many years of public service given by Lilliane as a staunch advocate and fighter for her beloved Cobar and rural and regional communities across western New South Wales;
- (c) recognises a lifetime of achievement and the lasting legacy left behind as the longest-serving Mayor of Cobar Shire Council, and as New South Wales' longest-serving female mayor; and
- (d) joins with the people of Cobar in celebrating the life of a true champion of western New South Wales, someone who did not suffer fools and who continued to fight for her community until the end—Lilliane Brady, OAM.

Today I bring this motion to the House to reflect upon a true champion of western New South Wales, Lilliane Brady, OAM, and her beloved community of Cobar. For those members who never actually had the opportunity to meet her, Lilliane was small in stature but larger than life in her love of her beloved Cobar, its people and the future prosperity of regional communities in western New South Wales. Lilliane was born in Lake Cargelligo on 29 December 1930, and her heart was always with rural and regional communities.

Lilliane moved to Cobar from Sydney with her now late husband, Dr Alan Brady, and their three children on 19 November 1964, intending to stay in the town only for a year or so. Famously, Lilliane's initial reaction when arriving in Cobar was that it was "the most godforsaken town I had ever seen and I didn't want to get out of the car." It took just two weeks for the people of Cobar to win over Lilliane, and she soon claimed Cobar was one of the best places on Earth, a belief she held strongly until the very end. In her first and final podcast appearance, Lilliane reflected on those first few weeks in Cobar. She stated:

I remember the policeman coming when we arrived in Cobar, and picked the baby up ... and put him in the police car and went all around Cobar. And I thought, that's unusual.

And it was. In 1974 Lilliane first stood for Cobar Shire Council at a by-election and was elected. This was a surprise to her husband, Alan, whom she did not advise until the morning before that she intended to run. Some locals were against Lilliane running for council, referring to her as the doctor's wife and someone who should not speak out. They underestimated Lilliane, something I am sure they never did again. In fact, it was the Hon. Jack Renshaw who told her that she would be well suited to local government and that she was a "strong woman who had principles", an assessment I do not think anyone who knew her would argue about.

Running for local government was not about self-promotion, pride or ego; it was about rolling up her sleeves and getting things done. In fact, what prompted this move into public service was the death of an elderly man alone in an ambulance as he was being transported from Cobar to Orange. He was being transported this distance because in 1974 there was no aged-care facility in Cobar and it was the policy for the local hospital to send elderly people away for care. Lilliane went to see the hospital CEO, who told her it was just the policy. As you would expect, Lilliane told him to stick it. She would build the facility.

Lilliane and 14 other local women created a fundraising committee and they hosted fundraisers of all kinds. I might not list all of them because some of them were done in unconventional ways. However, they did reach their \$70,000 goal. The Lilliane Brady Village opened in 1982. It is a not-for-profit facility that now has 34 beds and comprises a hostel, a nursing home and a multipurpose health centre that is connected directly to the hospital. As someone who could not stand red tape or "the bulldust", the Lilliane Brady Village was the first of many projects to better the lives of the people of Cobar, which included a mayoral fund for cancer support, the Grey Mardi Gras to help drought stricken farmers and the Cobar Quids initiative to support local small business in the region.

Her love for western New South Wales came above all else and she was willing to do what it took to achieve the outcomes. I do not know if I have already told this story, but here we go. In one of my visits to Cobar, Lilliane threatened that she would put a portaloo outside the front of Parliament House and she would sit on that portaloo until she got new rest facilities built on the outskirts of Cobar. I am pleased to have been informed by Minister Paul Toole that, in Lilliane's honour, those facilities will be opened in a few weeks. But, again, she put herself forward and those much-needed upgraded facilities will certainly be provided.

I am sure that many in this room, including the Hon. Mick Veitch, will remember this story. One of Lilliane's most famous exchanges happened during a community Cabinet meeting when the Hon. Carl Scully mentioned how lovely Lilliane looked. Her reply was, "I'm here for finance, Minister, not romance." It was a fine example of Lilliane's quick-witted response, much to the shock of most people in the room, including the former

Minister. It was this tenacity, selflessness and blunt approach that gained Lilliane the respect of everyone who met her—no matter their political background. This respect was made clear at her State funeral, which was attended by many people of all sorts of political persuasions, past and present. I acknowledge that the Hon. Mick Veitch and I represented the upper House, but I also acknowledge the Deputy Premier and the Minister for Agriculture and Western New South Wales and the New South Wales Opposition Leader from the other place, not to mention the collection of mayors from right across regional New South Wales, past and present, who also attended.

Lilliane served on the Cobar Shire Council for a total of 40 years, 20 of those as mayor. Lilliane's dedication to her community and all regional communities never ever wavered. When asked what she enjoyed most about being a councillor Lilliane responded, "Being involved in the community, not every day is the same and a lot of the things you do have nothing to actually do with being a councillor." Lilliane was the selfless, strong, driven leader that Cobar needed. She saw her community through mining booms, downturns, drought and social change. Always seeing the opportunity and never giving up, Lilliane was an inspiration to not only those in Cobar but also many across regional New South Wales, particularly women wanting to make their mark in local government, and other forms of politics and community representation.

Lilliane was the first female president of the Western Division Councils. She was on the executive committee for local government, and was the first Cobar member to hold a position on the executive committee of the Association of Mining Related Councils. She received many accolades during her time, including being an Order of Australia Medal recipient for her service to local government, and to her beloved community of Cobar; a Centenary Medal recipient; winner of the Women Out West Award; and the first recipient of the Life Time Achievement Award from Local Government NSW. It is worth mentioning, and those of us who knew her would agree, that it was not that all those accolades really mattered to Lilliane. She always said, "I haven't done it so much as have the people of Cobar, and the people of Cobar have been good to me."

Last year I had the pleasure to present Lilliane with the first New South Wales Minister for Local Government Award for Women—an award that was formally named after Lilliane—alongside my colleagues the Hon. Adam Marshall, the Minister for Agriculture and Western New South Wales and Dugald Saunders, MP, the member for Dubbo. It was with great pleasure that I note that recipients of the Young Achiever Award will now receive the Lilliane Brady, OAM, Scholarship. Lilliane's advice to those feeling nervous about running for public office or fighting for their cause was, "You will always have idiots get in your way, but if you have got a goal, go for it. Don't be nervous because if you are nervous, you won't achieve it. Just get in and do it."

The week before Lilliane passed away peacefully, the Minister responsible for TAFE NSW in the other place, Geoff Lee, and I visited Cobar. We had the pleasure of attending the first sod turn of the new TAFE NSW Connected Learning Centre. We also announced funding for local projects that will secure Cobar's water supply, help begin the development of an industrial area and help upgrade Cobar's ageing infrastructure, including the Cobar swimming pool. All those projects were incredibly important to Lilliane because they are important to Cobar and its future.

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

The House continued to sit.

The Hon. SAM FARRAWAY: While Lilliane could not be with us on that day, she was there in spirit and her influence on those projects was clearly evident. Whilst her achievements in local government and her love of Cobar is what everyone knew Lilliane for, many of us know that it was not her only passion. One of her other passions was horses and the horseracing industry. Lilliane had many horses whose jockeys wore her colours on their silks—yellow with a blue horseshoe and blue sleeves—but it was Magic Bella who would give Lilliane her biggest thrill by winning the Cobar Cup in 2015. Lilliane put two grand on Magic Bella at seven-to-one odds and walked home with \$18,000, taking time to call anyone who did not follow her betting advice "an idiot" for not listening to her. As with her role as mayor, she approached horseracing with a no-BS attitude. Sometimes the losses outweighed the wins, but she never gave up and never lost her passion.

Lilliane enjoyed gardening, the food at the local Chinese restaurant at the bowls club, which she insisted any visitor to Cobar had to try, and a beer. She really loved her family. She was as passionate about her three children and four grandchildren as anything else, and she was very proud of everything they had achieved, despite her disappointment at times that they all lived so far away. Unfortunately, in the past year or so Lilliane was hindered by asthma and heart troubles. She planned to hang up her mayoral robes in September this year. On an episode of the ABC's *Back Roads*, which aired only the week before Lilliane's passing, Lilliane said to Heather Ewart, "I reckon there are still things to be done, and I am good at getting the money from the politicians." In many ways, that episode represents another milestone in Lilliane's life.

From Bourke to Balmain to Broken Hill, we find people who knew Lilliane and were inspired by her. Her achievements put Cobar and all western New South Wales in the spotlight, and made many of its great communities what they are today. Given Lilliane's small stature, many would not believe the stories about her. Councillors often reflected on the time she hit the gavel so hard during a council meeting that the top flew off and made its way across the room. She was as tough as nails and did not suffer fools. Those who underestimated her soon learnt of their mistake. Lilliane's selflessness, determination, tenacity, stubbornness and passion all contributed to the strong personality we knew and will remember her for. Her legacy is so much more than the awards she was given or her role as Mayor of Cobar Shire Council. Lilliane is Cobar. She is the optimism of the people who live in Cobar.

She was a huge supporter of Cobar's future and of what the people of Cobar want for their town: the new TAFE NSW Connected Learning Centre, the sealed roads, the improved infrastructure, the elderly citizens who get to stay in Cobar with their families and support networks, and the cancer patients and farmers who are able to put food on their tables despite tough times. That was all Lilliane, representing her community and looking out for others. Those of us who knew Lilliane are better people as a result. In time those who learn from her and are inspired by her will be better because of her great legacy.

Lilliane achieved more for western New South Wales and its rural communities as one small lady than most politicians in Macquarie Street ever will achieve in a lifetime of trying. The Nationals, Liberal, Labor—Lilliane did not care. All she cared about was her community and the people who called Cobar home. Western New South Wales and the Cobar community was lucky to have Dr and Mrs Brady roll into town in 1964. Had it been any other town they may not have stayed. From starting life as a 2½ pound newborn in a shoebox, Lilliane will be remembered as a giant for her unwavering dedication to Cobar and western New South Wales. Her shoes may have been small but they will never be filled because, simply put, there will never be another Lilliane Brady.

I send my deepest condolences to Lilliane's children and her grandchildren. I hope that they have been comforted by all the accolades and stories of the life lived by their mum and nan. On behalf of everyone in this House, the other place and across rural and regional New South Wales, we thank you for sharing her with us and the community of Cobar for so many years. Vale, Lilliane Brady, OAM.

The Hon. MICK VEITCH (22:05): I join the Hon. Sam Faraway in speaking to the condolence motion for Lilliane Brady, OAM. The first thing Lilliane would make sure you knew was that her name was Lilliane with an "e" and do not ever get that wrong. I met Lilliane Brady in about 1996, not long after I was elected to Young Shire Council, at a water conference in Dubbo, with a gathering of a whole heap of local government people to talk about water over three days. She was one of the first people I met and I will never, ever forget that moment. Lilliane was of small stature but she was a giant. Even back then councillors from right across the State would step out of their way for Lilliane. She was feisty and full of fight. She had many sayings, which I will talk about later on, that help us to remember the Mayor of Cobar, Lilliane Brady.

A number of Labor MPs have often spoken about the Carl Scully moment, which has now moved into folklore. Lilliane was certainly not around for romance; she was chasing finance all of the time in every meeting with every Minister, no matter of what political persuasion. Lilliane Brady was there to talk about the money she required for her community. It was the first and last thing that she would talk about with them. She loved Cobar. The Hon. Sam Faraway has canvassed a lot of detail about Lilliane and I will not repeat it. At the Dubbo conference I watched Lilliane work the room and she was quite impressive. I was still learning about this game of politics and how to engage with people.

A prominent mayor out that way, who will remain nameless, was hogging the microphone at the lectern at the conference. Lilliane wanted to make a speech. She walked to the microphone and said, "Get out of the way, sunshine. Let a tiger have a go." She literally took over the room and delivered a sensational oration that was laced with passion for regional New South Wales. It was so memorable. I got to know Lilliane at that conference and subsequently at a number of other local government forums that we attended. She used to say to me, and I have no doubt she would convey this to a whole range of new councillors in local government and new members of Parliament, "You should never forget where you come from; you should always back your community and you should always do the right thing because you will then be in good stead."

Those were her fundamentals—always do the right thing. Without a doubt, most of us would know that Lilliane had a very broad vocabulary. Those who have been on the receiving end of Lilliane's sharp tongue would recall that there were a number of expletives usually interrupted by normal conversation. She could swear like a trooper. I used to say to her, "I'm an old shearer; you can't put me off. I've heard worse than that, Lilliane." And she used to say, "You haven't got me started yet." There was no doubt at all about Lilliane.

The great thing about Lilliane was that she was tenacious, forthright and genuine. She is a legend of regional New South Wales. She was Cobar; Lilliane was Cobar. One of the great things about the State funeral

that the Hon. Sam Faraway was talking about was at the end, when we walked through a guard of honour. The guard of honour was the community of Cobar. There were the council workers and the hospital staff—everyone in town. The shopkeeper shut the shop. We walked through a guard of honour for Lilliane made up of the population of Cobar. Most appropriately, we finished up at the front of the council chambers. It was a really great walk and those people will never forget Lilliane Brady. As the Hon. Sam Faraway said, Lilliane Brady is Cobar.

Lilliane loved horseracing and she always had a tip for the Saturday races for those who needed one. I do not bet, but a number of my colleagues would get a hot tip from Lilliane for the Saturday races. An interesting thing that I did not realise is that five or eight days before her passing, Lilliane bought another horse. She had a number of horses, apparently, in training. Her son spoke at the State funeral and said that when he went to have a look at the horse his mother had purchased just prior to her passing, he observed a flighty chestnut filly with a fair degree of stubbornness, and on the back of that they have decided that the best name for the filly is the Cobar Mayor. If anyone is watching the races or perusing the form guide and they see the Cobar Mayor, it is Lilliane Brady—the town is pretty convinced that it is her.

There are aspects of Lilliane that I will miss. Lilliane knew when someone was trying to cross her or was not being up-front and honest with her, but she would also then cut that person forever. There are a number of Ministers on all sides of the Chamber who would have experienced that aspect of Lilliane. Her view was that if someone was not being up-front with her, they were disrespecting Cobar and western New South Wales. But if people were genuine and up-front with her, she stuck. If someone said, "I don't think we can do that, Lilliane", she would say, "That's okay, but I'm coming back." And she would come back. She never gave up and had to find a way. After we would finish our meetings, Lilliane would always grab me on the arm as a parting gesture—and I am certain she would not mind me saying this—and say, "Looking good, Mr Veitch. Looking good." I just loved Lilliane; she was just fantastic. That is part of the reason I like getting out to western New South Wales. Some of the representatives of those communities love their communities; they are those communities.

Lilliane certainly was an individual. One of Lilliane's favourite sayings was, "Suck it up, princess." She used that phrase many times. As we heard at her funeral during the eulogies from her children, it was a well-rehearsed line she used on them. As little kids they would fall over and hurt themselves, and mum would pick them up, dust them off and say, "Suck it up, princess. Keep going." As they became teenagers and started delving into the world of personal relationships, they would have a break-up and go home with tears in their eyes and mum would say, "Suck it up, princess." That was Lilliane's approach: You have to get up, dust yourself off and keep going. Otherwise, what is it all about? She did that for 40-odd years in local government and 20-odd years as the mayor of Cobar—an outstanding arrangement. To be the mayor at 90 years of age speaks volumes about Lilliane Brady.

I will miss Lilliane. I will miss her wonderful speeches and contributions at functions such as the Shires Association, which is now Local Government NSW. I will miss the questions from the floor at the Association of Mining Related Councils meetings where, with no heads up, she would ask a couple of curly questions. I will miss the fact that Lilliane was someone you could ring if you did not know what was happening out in western New South Wales. She would honestly provide you with her appraisal of the matter without fear or favour so you had a good idea about what the issue was, what the impact would be and how it would affect, firstly, Cobar and then the broader far western New South Wales. As I said, I will miss Lilliane—but I will suck it up, princess. Vale, Lilliane Brady.

The Hon. PETER PRIMROSE (22:15): As a result of an injury I was unable to attend Lilliane's funeral, but I briefly associate myself with this motion. I knew Lilliane many years ago and became re-associated with her during the last Parliament in my role as shadow local government Minister. I had a lot to do with Lilliane and just as much to do with people who spoke about and knew her. She was at the forefront of so many things that were occurring in local government, and she was held out particularly as a role model for what a good local councillor should be—someone who, regardless of their politics, gender or anything else, assertively and always put their local community first. That is a message that younger councillors particularly learnt first and foremost from Lilliane's role.

I know that all sides of politics will continue to remember the role Lilliane played because of her very nature. Her nature was that people liked her. You couldn't help but like her, even when she was berating you. People spoke admiringly of her and they appreciated the fact that she was honest. As other speakers have said, she related to people honestly because that is how she gained resources for her local community. I will take up one minor thing that the Hon. Mick Veitch mentioned, and that is the famous Carl Scully incident at a shires conference. In his memoir, Carl Scully wrote:

The then Mayor of Cobar, Lillian Brady, who I got on very well with, was an outstanding mayor and significant local farmer. Lillian came up to me at one conference just before I was about to start and suggested some mischief for the both of us with a pre-arranged routine to lighten things up a little. She was a legend at these conferences and had been around for quite some time. When her time

came to asked me a question on behalf of the good folks Cobar Shire, I quickly piped in as agreed with: "Lillian, aren't you looking terrific" and as agreed she quick as a flash responded with: "Minister, I don't want your romance. I want your finance." It brought the house down. Every single delegate and country media outlet loved it too and it got a fantastic run around the conference and in country media. Lilliane used that for a number of reasons. Firstly, that was Lilliane but, secondly, she used it to gain resources for her local community. That was always what Lilliane was about and what she continued to be about. It is what her memory will continue to be about for those of us who follow on from her. I do not think we are ever going to see the likes of Lilliane again. She certainly stands up as a role model for everyone to aspire to, not only in local government but I suggest in this place as well. Vale, Lilliane Brady.

The Hon. BEN FRANKLIN (22:21): I pay tribute to the late Lilliane Brady, OAM, and thank the Hon. Sam Faraway for bringing this significant motion to the House. A fierce advocate for her town and a passionate fighter right until the end, Lilliane had a track record that would be the envy of anyone elected to public office—not just because of the amount of time that she served as a leader of her beloved Cobar community but also because of what she was able to achieve for them. Lilliane was originally motivated to run for council in 1974 after an elderly man was transferred to Orange because of a lack of aged-care facilities in Cobar. He died alone, 400 kilometres away from his home. Lilliane did not want that to happen again. Through her determined campaigning, knocking on doors and unyielding determination, in 1982 a not-for-profit hostel, nursing home and multipurpose health centre was opened in Cobar. It was named, appropriately, the Lilliane Brady Village.

During her 40 years on Cobar Shire Council and two decades as mayor, Lilliane was the epitome of passionate community service and the strength of character that is synonymous with our communities. It is remarkable that she was still the mayor at the age of 90. She proved that age is simply no barrier to making a valuable and meaningful contribution to the lives of others. Lilliane campaigned for a new hospital, better infrastructure and a fairer return of mining royalties to the town. She refused to accept that regional communities should not have access to the same facilities as those in the city—and she did not mind who she said it to, as we have heard this evening.

On 7 February this year, Cobar lost its fiercest advocate and most loyal friend. Deputy Mayor of Cobar Peter Abbott said of Lilliane Brady after her passing, "She was an absolute icon in this neck of the woods. I don't think I could do her justice by mustering enough words about her." He continued to say that nothing frightened Lilliane, not even Cabinet Ministers. He said, "She wasn't afraid to take on Cabinet Ministers and she embarrassed me several times with the vocabulary that came out of her mouth towards them, but that was all about wanting to get things done for Cobar."

Lilliane Brady was naturally the kind of person you want a politician to be—someone who cares about their community above all else, will go to any lengths to make it better and is not afraid to tell you what you need to do to make it happen. Her fortitude and strength not only stretched decades, it stretched generations. Her work ethic and her love for the community was admired by everyone across the political spectrum, which is such a rare quality in elected representatives today. She paved the way for women in local politics and she defied the critics, the naysayers and the gender stereotypers who once said that a man would be the appropriate person to serve in the role. Lilliane Brady certainly proved them all wrong, and we are the better for it.

This year's theme for International Women's Day was Choose to Challenge. I hope that Lilliane Brady continues to be an example to all of us to challenge preconceived ideas and unconscious biases about gender. She was a true trailblazer and I have no doubt that generations of Cobar families, both past and yet to come, will never forget the name or the extraordinary work of the icon who shaped the future of regional New South Wales for the better. To Lilliane's family, friends and everyone in the Cobar community, it is a privilege to pay tribute to her in the Parliament today. An outstanding leader, and loyal to her community to the end, the legacy of Lilliane Brady will live on long after we are all gone.

The Hon. SAM FARRAWAY (22:24): In reply: I thank the Hon. Mick Veitch, the Hon. Peter Primrose and my colleague the Hon. Ben Franklin for their fantastic contributions. It was good that everyone touched on a different part of Lilliane's life because there is plenty to refer back to. I will briefly touch on some of the themes that came through in the contributions. As the Hon. Peter Primrose said, we will not see the likes of Lilliane again. I do not know if anyone will ever get away with what Lilliane got away with again, but that is what made her unique. With Lilliane it was always about her community. She got away with a lot but it was always in the interests of her beloved community of Cobar. As the Hon. Ben Franklin touched upon, her drive and motivation meant that all she cared about was achieving the best outcomes for her community.

I knew Lilliane prior to entering Parliament through Cobar air services. I previously worked in the travel industry and Cobar always had an up-and-down air service. I remember a time when she had some very fierce words with the mayor of Dubbo. I will not name the mayor, but she made it very clear that corporate travellers and residents of Cobar would be connecting through Dubbo and "Mr Mayor" would be flying straight over the top of Dubbo, thank you very much! I briefly knew Lilliane through the travel industry, but once I was elected to Parliament—as I am sure members will appreciate—I spent a lot of time in western New South Wales.

The Hon. Mick Veitch was right when he said that with Lilliane first impressions mattered. You needed to turn up, have a genuine approach, ask what you could do to help and you would listen to her response. It did not take long for her to get my mobile number and, before I knew it, Lilliane was on the end of the phone. But I was always happy to help. Her genuine commitment to her community was the reason I kept picking up the phone. I thank the Hon. Mick Veitch, the Hon. Peter Primrose and the Hon. Ben Franklin for their contributions. I commend the condolence motion to the House.

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

Motion agreed to.

Documents

**WATER MANAGEMENT (GENERAL) AMENDMENT (EMERGENCY WORKS EXEMPTION)
REGULATION 2021**

Production of Documents: Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 1098 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (22:18): I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Minister for Water, Property and Housing, the Department of Planning, Industry and Environment, Water NSW or the Natural Resources Access Regulator relating to the Water Management (General) Amendment (Emergency Works Exemption) Regulation 2021:
 - (a) all documents, correspondence and advice related to the Water Management (General) Amendment (Emergency Works Exemption) Regulation 2021, and its impact or implications; 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.
- (2) That the Clerk communicate the terms of this resolution to the Natural Resources Access Regulator.

This motion is a call for papers around the Water Management (General) Amendment (Emergency Works Exemption) Regulation 2021, which was made on 26 February 2021. The regulation gave landholders the right to divert overland flow water in an emergency event such as a flood without a water licence. The Government has said there is nothing to worry about in this regulation. It says it has nothing to do with floodplain harvesting or irrigation, which has been an incredibly controversial issue, including in this place. It claims that the purpose of the regulation is to allow councils, rail corporations and building contractors to remove water to stop urban construction sites from being flooded. However, the regulation specifically ruled out irrigation.

Despite the ongoing controversy around floodplain harvesting, many of the stakeholders that The Greens have been talking to around this issue for quite a few months were not consulted on the regulation. When I questioned him during budget estimates, the CEO of the Natural Resources Access Regulator [NRAR] indicated that he had received formal advice from the department that morning regarding the regulation. Under the Murray Darling Basin Plan, any increase in diversions has to be offset by a decrease in diversions elsewhere. The exemption therefore potentially impacts water licences and should have been assessed against the current licensing framework.

The New South Wales Government says that there is a clause in the regulation that forbids the water from being used for commercial benefit. However, when asked in budget estimates how the Government could enforce this, they said it would be up to irrigators to self-report to the regulator, NRAR. But if irrigators do not report themselves, they face a minuscule maximum fine of \$1,500 under the regulation. There is controversy and contention around floodplain harvesting. The House has indeed disallowed two regulations in relation to flood plain harvesting. There are a lot of negotiations and discussions and there is a floodplain harvesting policy. Given all that, making a regulation like this without consultation, saying that it does not have anything to do with irrigators yet not specifically excluding irrigators in the regulation itself—and indeed saying that it is all about building—is more than a little suspicious. This call for papers is to find out exactly what the discussions were within Government and why this has happened at this time.

I refer again to a bit of questioning at budget estimates. I asked how this regulation was made and I was told by Dr Jim Bentley from the department that it came about from the building industry 12 months ago. I was told any detailed questions in relation to that would have to be taken on notice. The questions during budget estimates about the regulation were asked in the context of the issue being recently reported in the media and the

subject of concern from stakeholders. The New South Wales Irrigators Council, within about a minute of this regulation coming out and me tweeting it, knew all about it. It came out quickly defending this. So I smell a rat. That is why I urge members to support this motion. We really need to know what is at the bottom of the issue.

The Hon. BEN FRANKLIN (22:32): The Government opposes this motion. It is as clear as day it has nothing to do with flood plain harvesting despite it serving some people the chance to try and pretend that it does. In order to demonstrate just how clear the regulation is in highlighting that the two issues are unrelated, I will now read on to the record parts of the frequently asked questions on this issue for the benefit of the Chamber:

What is an emergency work?

It is a work carried out urgently, as a direct result of an emergency event, to remove groundwater or overland flow water for the purpose of reducing a significant risk to:

- (i) public health or safety
- (ii) the environment, including groundwater systems
- (iii) infrastructure or the construction of infrastructure.

It would include, for example, the removal of water from an excavation that had to be dug to fix a burst water supply pipe or sewer pipe.

Emergency works are limited to doing only what is necessary to address the significant risk.

...

What am I required to do before starting emergency work under this exemption?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I know we all are the victims of our instructions but this is, as I understand it, a call for papers. I will accept your assurance, but are you addressing why this call for papers—

The Hon. BEN FRANKLIN: I am specifically, Mr President. I am happy to go to that right now. The fundamental question is this. It says in the specific frequently asked questions referring to this particular issue:

Can I use the water removed during emergency works for another purpose?

It says as follows:

Water removed under this exemption will normally be returned to the groundwater source (through reinjection or infiltration) or released into the stormwater system.

The exemption does not cover use of the water removed for a secondary purpose—

which goes to the exact heart of what the member is suggesting—

(such as domestic consumption, supplying it to another person or body, or any other use from which a commercial benefit is or may be obtained). If the water taken is used for another purpose, the standard licensing and approvals requirements apply in relation to that use.

That is the exact point of what I am saying. If you use water for any commercial benefits, such as growing a crop, this exemption does not apply and the usual licensing applies. I am confident that this information clearly shows why this has nothing to do with flood plain harvesting, which is why conspiracy theories pushed by poorly informed individuals should not form the basis of order for papers. That is why the Government opposes the motion.

The Hon. MICK VEITCH (22:35): After that speech relating to the call for papers under Standing Order 52 from the honourable member, I will say that we have two contrasting views here. I think that supports why we should get the papers, and have a look to see which view is correct. We will be supporting the motion for the call for papers.

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

The House divided.

Ayes20
Noes17
Majority.....3

AYES

Banasiak
Borsak
Boyd
Buttigieg (teller)

Field
Graham
Houssos
Hurst

Moselmane
Pearson
Primrose
Searle

AYES

D'Adam (teller)
Donnelly
Faehrmann

Jackson
Mookhey
Moriarty

Shoebridge
Veitch

NOES

Amato
Fang
Farlow
Farraway (teller)
Franklin
Harwin

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

Mitchell
Nile
Roberts
Taylor
Tudehope

PAIRS

Secord
Sharpe

Cusack
Ward

Motion agreed to.

*Motions***COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL**

The Hon. ROD ROBERTS: I move:

That private members' business item No. 1103 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROD ROBERTS (22:47): I move:

- (1) That this House notes that:
 - (a) the Cootamundra-Gundagai Regional Council was formed by the Government's forced amalgamation policy;
 - (b) prior to amalgamation, both Gundagai Shire Council and Cootamundra Shire Council were assessed as "financially sustainable" by the New South Wales Treasury Corporation in 2013;
 - (c) at the time of the merger, 90 per cent of the community did not want it to occur;
 - (d) as a result of the forced merger, none of the benefits that were used to justify the amalgamation have occurred;
 - (e) to the contrary, the diseconomies of scale have caused the new council to accumulate \$24 million in losses;
 - (f) this has led the council to propose a permanent 53.5 per cent special rate variation, which continues to see 10 years of deficit budgets totalling another \$17 million;
 - (g) if the variation is not granted, the council will be insolvent within 18 months;
 - (h) in the absence of the variation, cuts to the workforce of 25 per cent, cutting capital expenditure by 30 per cent or ceasing essential services will be required; and
 - (i) a professional and peer reviewed analytical financial review undertaken by the University of Technology Sydney indicated that a demerger is the only way to avoid financial disaster and social degradation.
- (2) That this House calls on the Government and in particular the Hon. Shelley Hancock, MP, Minister for Local Government to commit to:
 - (a) working expeditiously and constructively with the Cootamundra-Gundagai Regional Council to end the councils and communities uncertainty surrounding its financial viability; and
 - (b) working with the council and the community to demerge the existing council structure and restore the Cootamundra Shire Council and the Gundagai Shire Council in their own rights.

To paraphrase Charles Dickens, this is a tale of two cities. It is not actually two cities but two towns—the two proud and independent towns of Gundagai and Cootamundra. In 2016 those two vibrant and prosperous towns were forced into a merger between the Cootamundra Shire Council and the Gundagai Shire Council. The new entity is now known as the Cootamundra-Gundagai Regional Council, and that name alone suggests that they are still two separate entities. Prior to this forced amalgamation, both shire councils were viable and sustainable. More important and interesting was the fact that they were both passed and declared financially sustainable under the Treasury Corporation benchmarks in 2013. At the time when the merger was first proposed, 90 per cent of the

community surveyed did not want the amalgamation to take place. Why then did the Government pursue this merger?

Fast-forward to today and we find a council in serious financial difficulties. That is despite it being a professionally run council that has tried very hard to make the amalgamation a success. It is because estimated economies of scale did not materialise. In fact, what we have seen are dis-economies of scale. The council estimates that approximately \$600,000 a year is spent solely on staff and management travelling between the two offices in Cootamundra and Gundagai. That amount is made up of lost productivity due to driving time, fuel, vehicle maintenance et cetera. Since the forced amalgamation, costs have ballooned substantially, to the point where the council has accumulated \$24 million in losses. That is despite the diligent work of the council in finding cost savings of \$2 million in its last budget.

Before anybody blames the council, let us look at the facts. This council has not been asleep at the wheel. It is and has been extremely aware of its financial position. In an attempt to avoid the situation that it finds itself in, the council engaged the services of an external body to provide a professional financial sustainability review. It then implemented all the findings and recommendations of the review. In an effort to avoid the impending financial disaster, the council was forced into raising its fees and charges. This resulted in a 15 per cent increase to ratepayers in the community in areas such as water and sewerage rates. Other charges that were impacted include landfill fees, facility hire and cemetery burial fees. The council reluctantly raised these charges as it was more than aware of the financial implications to its communities who were in the middle of the big drought taking place at the time. Unfortunately, these charges are not enough and the council is staring down the barrel of impending insolvency.

To avoid this the council proposed a special rate variation of 53.5 per cent. That is right, a staggering 53.5 per cent. This is in a time when rural communities are just starting down the road to recovery from the drought and COVID-19 and its economic effects. With wage growth stagnant, how will mums and dads be able to afford this? What about pensioners and those on fixed incomes? Small business, the backbone of the economy in these towns, will not be able to afford these rate hikes. If the special rate variation is not granted, the council will be insolvent in 18 months.

To stave off the insolvency, the council will be forced to reduce staff by 25 per cent. Where do those made redundant find similar work in these towns? Further to that, services will need to be reduced by 30 per cent. What will it be? Forgoing maintenance on the roads, bearing in mind the importance of roads in rural areas that do not have public transport readily available? Perhaps libraries will close and we will let the children suffer. Perhaps they will close swimming pools. That is okay; it is only a couple of hundred kilometres to the nearest beach. The council will also stop mowing and maintaining the parks and cemeteries, depriving the community of the use of those facilities. Imagine the devastating impact this would have on the social and cultural fabric of these two iconic towns. Even with the SRB, the council continues to forecast 10 years of deficit budgets totalling another \$17 million. There is one simple measure this Government can take to avoid this disaster of its own making, and that is to allow for the demerging of the council and the restoration of the two separate councils, both in their own entities. This is what the council wants and, more importantly, this is what the community wants.

In this regard, the council has engaged the services of Professor Drew and his team at the University of Technology Sydney. The professor's area of expertise is expenditure and revenue structures for local government. His analytical research proves beyond doubt that a demerger is the only way to allow these two communities to avoid financial disaster and the social impacts and degradation that it would bring. He has prepared a report setting out the path to a demerger, and the highlight is that it will incur a one-off cost of only \$1.75 million. That is certainly a better proposition than the ongoing loss of \$4 million per year. I implore the Government, in particular Minister Hancock, to sit down and work with the council to help find an expeditious and successful outcome for the untenable situation these communities find themselves in through no making of their own.

The Hon. TAYLOR MARTIN (22:52): This Government's priority has always been for councils to deliver services and infrastructure to their residents. Members on this side are committed to ensuring that local governments operate and provide for their communities, including Cootamundra-Gundagai Regional Council. The member may be surprised by this, but merged councils across the State have delivered more than 1,000 projects through funding provided by the New South Wales Government since their amalgamation. Merged councils received \$10 million where two councils were merged and \$15 million where three councils were merged. Up to \$1 million of the grant was allocated to incorporated not-for-profit community groups, while the rest of the money was to be spent on infrastructure and services.

In addition to this, further amalgamation funding was also available. For example, Cootamundra-Gundagai Regional Council received \$5,800,200 in funding in round two from both the New Council Implementation Fund and Stronger Country Communities Fund. This ensured that it could deliver projects that provided social and economic benefits to the community. Furthermore, even Cootamundra-Gundagai Regional Council has benefitted

by replacing 13.8 kilometres of aged water mains, resulting in improved water quality and reduced risk of loss through leakage. Councils across the State are delivering benefits for their communities and showing their communities the benefits of those larger councils.

Some examples of those benefits include: the MidCoast Council has established a \$30 million Roadcare Program to deliver improved roads through the townships of Gloucester, Taree and Wingham; the Inner West Council has achieved almost \$1 million in procurement savings, which has been reinvested into services for the community; and the Northern Beaches Council has achieved significant efficiency savings of \$10.13 million through reallocating staff, it has saved \$1.08 million by reducing insurance premiums and it has saved \$5.82 million by reducing materials and contract expenditure. That is what it is all about. Those are just a few examples among many, though time does not permit me to share them all. The Government remains focused on working cooperatively with all of those councils and with the 13 joint organisations to strengthen the sustainability, performance, transparency, accountability and integrity of local government in New South Wales.

Mr David Shoebridge: The joint organisations, aren't they going well? We will move a motion on the joint organisations next week.

The Hon. TAYLOR MARTIN: You will have your turn shortly. Members on this side of the House therefore oppose the motion.

The Hon. MICK VEITCH (22:55): This motion is about communities in regional New South Wales. That last contribution, with all due respect, was not respectful to the communities of Cootamundra or Gundagai. The member spent a fair bit of time talking about other councils rather than this merged council. So here is what is really happening down that way. Government members had an opportunity to get a win here because the then council of Harden and the then council of Cootamundra had been talking to each other about an amalgamation. In fact, they had conversations with their communities and they went through the process of conducting referenda. And do you know what? Those communities of Cootamundra and Harden said that they wanted to amalgamate. The Government had the chance, it had the opportunity, but no, the Government knows better. It smacked that out of the park and it merged Gundagai with Cootamundra. Gundagai did not want to be merged.

The Government disrespected the views of Cootamundra and Harden and it disrespected the views of Gundagai. Cootamundra and Gundagai did not want to be merged and now they are struggling because of the arrangements that were put in place. The Government can throw all the money about and it can skite about the money it has provided down there, but it should go and talk to those communities about what they want. They want to be demerged. Go and listen to them. Go and stand in the room and talk to them about what they want. They want to be demerged.

As the Hon. Rod Roberts said, the newly elected body, once merged, has done its utmost to try to meet the requirements of the Local Government Act. It has gone out of its way to ensure that it remains financial but it cannot do it. It has been burdened by the arrangements that were put in place via the merger. It has brought in an independent financial adviser to provide guidance. If the rates go up and if they cut the services, they might just get through for a short period of time. They do not want this arrangement. The motion is commendable. Clearly the motion comes from someone who has been down there and had a chat to those communities.

The Hon. Rod Roberts: Hear, hear!

The Hon. MICK VEITCH: The member has been down there and had a chat to those communities. That is what consultation looks like. The mayor of Cootamundra-Gundagai shire, Abb McAlister, is a champion. The House moved a condolence motion for Lilliane Brady, the former mayor of Cobar. Let me tell you, Abb is also an outstanding advocate for his community in Gundagai. He took on the role as mayor of Cootamundra-Gundagai because he thought that this was the model that was in front. If you talk to him now, he says it does not work. They want to be demerged. If the Government listens to those communities it will demerge them. We are supporting the motion.

Mr DAVID SHOEBRIDGE (22:58): On behalf of The Greens, I indicate that we will support the motion but we will seek to amend it. I move:

That the question be amended by inserting at the end:

- (c) providing full funding for the costs of the demerger and ensure residents do not pay the costs of the Government's failed amalgamation policy.

Across the State almost uniformly these merged councils, forced amalgamations, have come at a huge cost to the community. Analysis at the end of last year showed that the councils amalgamated as a result of this Government's disastrous and unpopular forced amalgamations policy have had collective losses of more than \$1 billion over the first three years of operations. Analysis released by Professor Drew shows that the average costs of operations of

these merged councils is more than 11 per cent greater than what they were before the forced amalgamations happened.

If we talk to communities, none of them are saying, "Wow it is great. I don't know who my local councillor is. I don't know the name of my local council." I have not heard any of the residents of poor old Cootamundra-Gundagai Regional Council say thank you to the Government for the 53 per cent rate rise that is coming. I have not heard any of the residents of the Central Coast saying thank you very much for that disastrous amalgamated council that is now in complete financial meltdown. I have not heard any residents from the Inner West Council area say, "Wow, it is great that you not only forcibly amalgamated us, but also cheated us through pork-barrelling the grant scheme and didn't give us any money from the \$250 million pork-barrelled grant scheme that you gave only to Coalition councils." Every aspect of this forced amalgamations policy has been a stuff-up from day one.

What the Government should do is say sorry to the residents of Cootamundra, Gundagai and the Central Coast. In particular, the Government should go to Tumbarumba and say sorry to the residents who desperately want to see the demerger of the Snowy Valleys Council as well. From beginning to end, this policy has cost. Who has it cost at the end of the day? It has cost the poor old residents. That is why I have moved this amendment, to ensure that this demerger does not cost the residents of Cootamundra and Gundagai. I think that is the Government's policy. That is why it is delaying it: It wants to make the demerger unsuccessful and see the residents pay. Let us make the State Government pay.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): So that members are aware of the way we deal with private members' motions, members are entitled to speak to the amendment but they may speak only to the amendment.

The Hon. MATTHEW MASON-COX (23:02): I speak to the substantive motion. This has been a vexed issue with a very long and chequered history. Members might remember that I stood in this place some time ago when these mergers were promulgated and made the case against the merger of Gundagai and Cootamundra, and also in relation to Tumut and Tumbarumba, because there was not a strong case for those particular mergers. I do not resile from that position. I have family members in both of those areas and understand, as the Hon. Mick Veitch has outlined, the particular issues in relation to the voluntary move towards a merger between Harden and Cootamundra. That would have been an excellent merger, which had the confidence of the communities in those areas. It was a natural, synergistic merger.

I was personally very disappointed with the Government's decision. I made that very clear in our party room and in this place. The chickens have finally come home to roost and it is very distressing to see some of the impacts locally, not only in Gundagai and Cootamundra but indeed in Tumut and Tumbarumba. At the same time, I point out to members that there have been some success stories from amalgamations in other places. However, in country areas it has largely not gone down very well. Having said that, I note that a boundaries commission report is before the Minister. I understand that it will be discussed in Cabinet. I certainly will be making representations to the Minister in relation to demerging Gundagai and Cootamundra, as well as Tumut and Tumbarumba. I stand with those communities and, as a representative from the southern region of New South Wales, I will be making that case within government.

I will not be supporting the amendment tonight, despite the tenor of the motion. I will be backing the Government's critical review of the boundaries commission's report and lobbying the Government to ensure that the wrongs are righted in those local communities. Indeed, I want to see the Government release that report to those communities as soon as practicable so that it can be properly critically analysed in full public view and so that transparent process can bring to light some of these issues. I am confident that the Government will get this decision right. I know that a lot of people within those communities have contacted their local members and I know that local members are very exercised about these issues right across the region. I commend the intent of the motion but I will leave my debate and advocacy within the realm of government to ensure that it drives a just outcome for those communities.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I know the Hon. Mick Veitch is enthusiastic to speak to the amendment. Is any other member seeking the call? If we run out of time I do not want to have given it to the Hon. Mick Veitch, otherwise I will get into trouble. I think I am safe in saying that the Hon. Mick Veitch can speak to the amendment.

The Hon. MICK VEITCH (23:06): Mr Deputy President, I thank you for that clarification of the process.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I am not quite sure whether I have clarified anything.

The Hon. MICK VEITCH: The Opposition will support the amendment, which I understand requires the Government to pay for the cost of the demerger. The reason is that those councils are already in the can. The Government cannot ask them to pay for the demerger, if that is the process that is followed, because they do not have the cash. It is just going to make it worse for them. It will set up the demerged councils to fail as well. This is a process that the Government put in place and the Government should fund them to demerge. On that basis, the Opposition will be supporting the amendment.

The Hon. ROD ROBERTS (23:06): In reply: For the record, One Nation will be supporting the amendment as moved by Mr David Shoebridge. First of all, I thank the following members for their contributions: the Hon. Taylor Martin, defending the indefensible as usual; the Hon. Mick Veitch, who is on the ground in Gundagai and Cootamundra, speaks to the locals and therefore represents them correctly; Mr David Shoebridge, for his insightful overview of the situation; and the Hon. Matthew Mason-Cox. The Government made a mistake by amalgamating the two councils in the first place, contrary to community wishes and the protests of the original councils.

Failing to listen was the first step in this disastrous folly. Compounding it, though, is the Government's refusal to accept the failure of this particular amalgamation and to continue to not listen to the communities. The right thing for a mature government to do is accept the error and fix it. It is not hard to say, "Okay, we tried, but this has not worked as we envisaged. There have been unintended and unforeseen consequences." In the past, the Government has walked back and overturned decisions in relation to lockout laws and greyhound racing; it has shown it can do this. It must do it again in this case. It is time to right the wrong. I commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Rod Roberts has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

MODERN SLAVERY ACT 2018 NON-COMMENCEMENT

The Hon. ADAM SEARLE: I move:

That private members' business item No. 1072 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (23:10): I seek leave to amend private members' business item No. 1072 outside the order of precedence for today of which I have given notice by omitting in paragraph (2) the words "this day" and inserting instead "on Tuesday 16 March 2021".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

- (1) That this House notes the resolution of the House of 18 February 2021 that:
 - (a) noted the previous resolution of the House of 18 November 2020 that:
 - (i) found the continued delay in commencing the Modern Slavery Act 2018 (NSW) by the Berejiklian Government as unacceptable; and
 - (ii) noted that the House would regard the failure by the Berejiklian Government to commence the Act by 1 January 2021, in accordance with the will of the House and the recommendations of the Social Issues Committee report, as a contempt of this House and would hold the Leader of the Government accountable as the representative of the Government in this Chamber.
 - (b) censured the Leader of the Government as the representative of the Government in this House for the Government's failure to commence the Modern Slavery Act 2018, in accordance with the will of the House and the recommendations of the Social Issues Committee report; and
 - (c) ordered the Leader of the Government to attend in his place at the table on the next sitting day at the conclusion of the prayers being read to provide an explanation for not commencing the Act and to indicate to the House when the Act will commence.
- (2) That this House considers the explanation given on Tuesday 16 March 2021 by the Leader of the Government for the delay in commencing the Modern Slavery Act 2018 to be unsatisfactory.
- (3) That this House accordingly requires the President to seek legal advice as to the powers of the House to compel the commencement of the Modern Slavery Act 2018 and to take action to protect the rightful powers and privileges of the House.

Members will be well aware of the history of this matter and the multiple occasions in which it has come before the House for debate and discussion. On a number occasions the House has found the delay in commencing the modern slavery legislation by the Berejiklian Government as unacceptable. It has censured the Leader of the Government. We have sought an explanation from the Leader of the Government, who gave an explanation. However, that explanation, which went to the issue of working with the Commonwealth Government to harmonise the two legislative regimes, did not give the House any indication of when, for example, the Government might regard those discussions as reaching an end or when the Government might have any reasonable expectation of commencing the legislation, whether amended or not amended.

The motion before the House tonight seeks to put the proposition that the House finds the explanation offered by the Leader of the Government for the continued delay in commencing the Modern Slavery Act 2018 to be unsatisfactory, and that the House requires the President to seek legal advice as to the powers of the House to compel the commencement of the Modern Slavery Act 2018 and protect the rightful powers and privileges of the House. It was foreshadowed in an earlier motion that if the explanation was not forthcoming or was not satisfactory that we would take this additional step.

I believe the Government has indicated that it has got legal advice that suggests that the House has no compulsion powers, which arises from what might otherwise be called the differential proclamation clause in the modern slavery legislation that enables the Governor to bring the Act into effect on a day or days to be appointed, with no set date. As I understood the contribution of the Leader of the Government at the time, that would deprive the House of any further action. That may or may not be the legal basis of the Government's advice, but it would behove the House in all prudence to obtain its own advice to see whether it does have any further steps it can take to persuade the Executive to commence this legislation.

I do not need to persuade members of the justice of this case. The legislation was enacted in goodwill with cross-party support in both Houses. I think only one member across the whole Parliament spoke in opposition to it. The justice of the case is beyond argument. But, having said that, we have censured the Leader of the Government. Before proposing any further steps, the House needs to know that it is on reasonable if not firm ground. That is the prudent step I urge the House to take, which is to obtain appropriate advice. I urge honourable members to join with the Opposition in ascertaining what are the rights and privileges of the House in this matter and whether we can take the matter further.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (23:14): I will address the House very briefly. Given that the explanation has been given multiple times to the Chamber over many months, the delay results entirely from the meshing of the Modern Slavery Act with that of the Commonwealth, and also the need for clear and consistent regulative frameworks in a piece of legislation that covers a considerable part of the New South Wales economy. Let me briefly reiterate the timetable. Since April 2019 the bill has been my responsibility. Shortly after, my Department of Premier and Cabinet [DPC] officials advised me of the problems with the Act that resulted from drafting errors that remained uncorrected during the passage of the legislation and the unworkability of the legislation, given that the field was now covered by the Commonwealth.

After obtaining the concurrence of colleagues, I referred it to the Standing Committee on Social Issues on 6 August 2019. The committee reported on 25 March 2020, largely concurring with the Government's diagnosis of the legislation's problems. We considered the report and delivered a Government response before Christmas last year. We made it clear at the time that the Government intends to amend the New South Wales Modern Slavery Act and commence operational components that complement the Commonwealth Act and that are not inconsistent with it, and we said we would approach the Commonwealth to discuss harmonisation of New South Wales and the Commonwealth legislation.

I understand from the remarks the Leader of the Opposition has just made that the issue that is of principal concern to him is that I have not reported on where we are up to in discussions with the Commonwealth. I can report that discussions have been underway over the past two months and they have pretty much reached a conclusion. I am not going to share those with the House on this occasion because I believe it would be discourteous to my Cabinet colleagues not to discuss it with them first and to come up with a response that, in accordance with Westminster traditions, of course will be a position that the whole Cabinet will need to support. I will not say anymore on that issue, except that naturally, after Cabinet has reached a position I will need to discuss it with my parliamentary colleagues in the Government party room.

Frankly, I think this is a reasonable response and I do not think it warrants a finding by the House that it is unsatisfactory. If honourable members want to waste the Parliament's budget and taxpayer dollars getting an opinion that frankly any first year law student could give them, then so be it. But I think it is reasonably well understood that there is no imaginable legal precedent that would find that one House of the Parliament has the

power to direct the Executive to provide certain advice to the Governor. And of course this House is only one of two Houses that comprise the Legislature.

It has been the settled course of both Houses that the commencement of the Act will be left for a point at which this Government considers appropriate to recommend to the Governor that the Act be proclaimed to commence. Moreover, it is of course quite clear that even if that position were to be unsettled in terms of any view the House might take, it could only possibly be exercised in concert through an action of both Houses, not just one. The motion will be opposed by Government members.

The Hon. GREG DONNELLY (23:18): Given the time of the evening, I will keep my remarks as brief as I possibly can without repeating the key contribution and salient points made by the Leader of the Opposition, the Hon. Adam Searle. One thing that needs to be placed clearly on the record—I will choose my words carefully here—is the utter disingenuousness of the Government's position with respect to the direct negotiations between the Hon. Paul Green and the Premier of New South Wales in regard to the settlement of what would become the Modern Slavery Act 2018.

Those negotiations were lengthy and detailed. I do not mind saying that the Hon. Paul Green, with whom I and others worked quite closely, kept us informed, as far as he practically could while preserving the integrity of those negotiations, about how the whole matter progressed. Of course, when it came to a conclusion, it was almost celebratory in the sense that all members of both Houses were absolutely delighted to have reached settlement after a difficult negotiation. A range of concessions were made by the Hon. Paul Green, effectively, but not by the Government. There was some criticism of that but, nevertheless, a deal is a deal, and it was struck.

That contained the clause that is the cause of the non-proclamation issue, but at no stage was there any suggestion whatsoever by the Premier of New South Wales or the Hon. Paul Green that a "gotcha" clause was being incorporated into the drafting to give the Government purchase on, in effect, not proclaiming the legislation. It has been 33 long months since the Modern Slavery Act was given royal assent. I will be supporting the motion, as amended by the Hon. Adam Searle, but, as I have made clear before, my position is that this Parliament has reached the point where it should decline to deal with all Government legislation unless and until the New South Wales Modern Slavery Act 2018 is proclaimed and commences.

The Hon. ADAM SEARLE (23:22): In reply: I thank my colleague the Hon. Greg Donnelly and the Leader of the Government for their contributions. I thank the Leader of the Government for informing the House that, as I understand what he said, conversations with the Commonwealth Government have reached a conclusion. Of course, it would be a good thing for the Government to be able to say, "Obviously, we can't give you details, but all this will be resolved in the next three months", or the next two months or whatever the time period may be. That lack of disclosure still renders the explanation given unsatisfactory, so we do not resile from that part of the motion.

I take what the Leader of the Government says: that any first-year law student could tell you, Mr President, the answer to the question about whether the House has any powers and that there is no imaginable precedent for the House being able to take action in this regard. I happen to know that in the mid to late 1990s the Government was also staggered to find that this House had the power to compel the Executive to produce documents. So what governments may imagine their proper legal position or rights and entitlements to be vis-a-vis the House may not be so. Those matters are unsettled and uncertain, but members are entitled to be as informed about what the powers, rights and privileges of the House are in this matter, given that no direct precedent exists. We urge members to continue to support the motion as amended.

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

The House divided.

Ayes21
Noes15
Majority.....6

AYES

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

Field
Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty

Moselmane
Pearson
Primrose
Roberts
Searle
Shoebridge
Veitch

NOES

Amato
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones (teller)
Mallard
Martin

Mason-Cox
Mitchell
Nile
Taylor
Tudehope

PAIRS

Secord
Sharpe

Ward
Cusack

Motion agreed to.

*Business of the House***POSTPONEMENT OF BUSINESS**

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1085 outside the order of precedence be postponed until the next sitting day.

Motion agreed to.

*Bills***GOVERNMENT SECTOR FINANCE AMENDMENT (GOVERNMENT GRANTS) BILL 2021****Second Reading Debate**

Debate resumed from 17 February 2021.

The Hon. SCOTT FARLOW (23:35): On behalf of the Government, I oppose the Government Sector Finance Amendment (Government Grants) Bill 2021. The bill proposes to amend the Government Sector Finance Act 2018 to insert a new miscellaneous clause to require entities responsible for deciding grants applications for government money to disclose certain information to the relevant member of Parliament. Effectively, the bill will mean that every member of the Legislative Assembly is to be advised on every grant application made by entities and individuals within their constituency for every grant program administered by government entities. This is not practical given the current transaction volume of grants applications processed by government entities. It will significantly increase the administrative and reporting burden on government entities and increase cost to the Government, and ultimately to taxpayers, to implement.

Currently, over 1,000 grants programs are administered by over 50 government entities, well exceeding more than one million applications every year. It is not possible to provide the information proposed in the bill, especially to each "relevant member of Parliament" on each grant application received for every grant program. If government entities are to meet such disclosure requirements, it will involve introducing additional processes, making changes to their systems and practices, and hiring additional staff. It would be necessary to introduce additional steps in the grants administration process, for example, to assess each grant application on a case-by-case basis, and to determine the information to be disclosed to the "relevant member of Parliament".

This will extend the time frame for processing and finalising grants applications, which will cause unnecessary delays in the delivery of these programs to the constituents of New South Wales due to the unnecessary administration burden. It will also impact the value-for-money assessment that underpins many grants processes. The administrative effort and burden on government entities of introducing these process and system changes, and the resulting cost increases and time delays, will be substantial and will not lead to improvement in the grants administration process.

Furthermore, the Government already has in place good governance for grants administration, including systems, processes and guidelines. Government entities have systems to ensure effective, fair and timely assessments of grants applications and proper practices for routine disclosure of grants outcomes once the grants administration process has concluded. The New South Wales *Good Practice Guide to Grant Administration* provides detailed guidance to entities on establishing sound systems and processes for governance, accountability and transparency in grants administration. This practice guide is currently under review and will be refined to reflect linkages to the delivery of outcomes, best-practice grants administration and alignment to evaluation processes.

In addition to this general guidance to the sector, many government entities have developed their own specific guidelines designed for the different types of grants programs administered by those entities. I also mention that it is premature to consider the amendments proposed in this private member's bill, given that a Public Accountability Committee [PAC] inquiry and two performance audits by the Auditor-General are currently underway on grants administration. One of the PAC inquiries underway is looking into the integrity, efficacy and value for money of New South Wales Government grants programs. It is scheduled to deliver its first report by 31 March 2021 and the final report by 29 July 2021, and will provide recommendations to the Government on improving the grants administration process.

There are also two performance audits currently being undertaken by the Auditor-General. The first of those is a whole-of-government review to assess whether grants are being effectively targeted, administered and delivered to achieve expected outcomes. The audit will look at grants administration, governance, probity and benefits realisation. The second performance audit is of Treasury and selected agencies to assess the \$750 million grant for disaster relief through the Small Business Support Fund. That performance audit will look at how effectively the grant program was administered and assess the benefits that have been achieved.

The findings of PAC inquiry and the performance audits by the Auditor-General potentially identify further recommendations that the Government can implement to improve transparency and accountability in grant administration. Therefore, the Government opposes the bill on the basis that it will not only be impractical to implement but also significantly increase the administrative burden on government entities and will not result in any tangible benefits to the transparency and governance of grant programs.

The Hon. JOHN GRAHAM (23:39): I make a contribution in support of the Government Sector Finance Amendment (Government Grants) Bill 2021. I thank my colleague the Hon. Walt Secord, who led for the Opposition in debate on this bill. The Government has made the case that the changes in the bill will require a change of practices. I cannot think of anything more urgent than changing this Government's practices when it comes to grants. Labor supports the bill. The long title of it is:

An Act to amend the Government Sector Finance Act 2018 to enable members of Parliament to be informed about decisions related to grants of money by the Government; and for other purposes.

The bill concerns an issue that has been heavily discussed in this House. It comes before us amidst a background of shredding, conflicts of interest not being declared and a lack of clarity around which Minister and which agency is in charge of approvals for many of the grants programs. This has been the subject of a Public Accountability Committee inquiry. It was also the subject of questioning at budget estimates, after which I was even more concerned about the state of a range of grants programs run by this Government. Last year the Government handed out almost \$180 million for projects in bushfire-affected communities. There was no open application process for many of those grants programs, and the fact that the vast majority of grants went to government electorates has been well canvassed. Some local government areas did not receive any money even though they had suffered significant loss. Some individual projects have been heavily canvassed. This is why the Opposition supports the bill.

The fundamental intent of the bill is to ensure that an MP is notified when a grants program is announced. It sets out a provision to stop an MP from disclosing the relevant information without consent from the body that made the disclosure. It also sets out a number of steps that the grant-giving organisation must comply with regarding its interaction with an MP. I welcome those provisions. Opposition members want to see the opposite of the case that the Government has put forward; we want to see a change in practices. We want to see the measures in the *Good Practice Guide to Grants Administration* systematically implemented. It is a voluntary guide. It could be improved but it should still be enforced. That would represent a good step forward. I commend the member for introducing the bill. There is a lot more to do in this space but the bill is a very good start. The Public Accountability Committee will outline further steps. The bill represents a modest step forward that would make MPs more involved in the grants process. I commend the bill to the House.

The Hon. SHAYNE MALLARD (23:43): I oppose the amending of the Government Sector Finance Act on the basis of a fundamental flaw in the bill. The Government Sector Finance Amendment (Government Grants) Bill 2021 would require the disclosure of certain information to the Legislative Assembly member for the electorate in which the grant applicant is located prior to the conclusion of the grants process. That information includes when the entity received the application, the time frame for deciding the outcome of the application, whether to award the grant, and the amount to be paid—including when and where the decision will be disclosed. Disclosing such information before the grant process has concluded may result in probity issues and the perception of undue influence over the decision-making process as confidential information is being shared with a wider audience before the grant process is completed.

The amendments proposed in this bill need careful consideration against the existing State privacy laws. If government entities are to disclose the information required by this bill, they may inadvertently disclose personal and confidential information about grant applicants and potentially be in breach of the State's privacy laws. This bill also impacts on the ability of the Executive arm of government to effectively develop policy and make decisions as intended under the Westminster system of government. The Government is responsible for ensuring that grant programs are administered effectively and that sufficient governance arrangements are in place to ensure a fair and transparent process.

The Government is also required to follow proper processes for disclosure of information at appropriate points in the grant administration process. The proposed amendment will disrupt and adversely impact upon the Government's ability to do this process. People might not like to hear this, but at the conclusion of a grant process, the Executive arm of government can be held accountable to Parliament and be required to respond to concerns about its administration of any grants program. This should be done following protocols in the Westminster system of government, which we adhere to. Therefore, I oppose this private member's bill on the basis that it presents a significant governance risk, could potentially result in breaches of privacy laws and impacts on the Government's ability to implement its programs under the Westminster system.

The Hon. COURTNEY HOUSSOS (23:45): I only intend on making a very brief contribution tonight to indicate my support, as the shadow Minister has, for the bill proposed by the Hon. Robert Borsak, who is also the Deputy Chair of the Public Accountability Committee. I make a contribution tonight in that capacity. Other members have spoken about what we have uncovered in the Government grants inquiry. We have been horrified by what we have seen, because it has not been a one-off or shredding in one particular Government grants program. This behaviour has been repeated over and over again. I have great respect for the Parliamentary Secretary, but for him to be able to get up here tonight and talk with a straight face about the guidelines for Government grant programs when we have seen what passes for guidelines for Government grant programs for a quarter of a billion dollars of public money is surprising. All the Government needed to do was point to a project and say, "That is what we want." That was the extent of and the rigour around the guidelines.

The idea this Government is putting forward rigorous guidelines tailored to individual grant programs is just an absolute joke. The Hon. Shayne Mallard stood up here and said that there is a fundamental flaw with this bill because it actually wants to involve members of Parliament in the process. The way that this Government has administered grant programs is absolutely disgraceful and shameful. The idea that grants programs, which should be administered fairly under the principles that have been set out by the Premier's office and the NSW Audit Office and under the principles of pure fairness for members of the public, and the way that this Government has consistently rorted them and tried to say that somehow they are election commitments and that everybody has this approach to government grant programs is totally unacceptable.

The Public Accountability Committee is reporting by the end of the month. We will have much more to say on this, but this is an important step forward to involve local members of Parliament, include them in announcements and allow them to escape from the farcical situation that is currently underway, where community groups are signing non-disclosure agreements so they are therefore not allowed to communicate with their local representative, which is just ridiculous. I commend the bill to the House. This is the very first step in a long process of reform that needs to occur for Government grant programs.

Mr DAVID SHOEBRIDGE (23:48): On behalf of The Greens, I indicate that we will be supporting the Government Sector Finance Amendment (Government Grants) Bill 2021. This is, as the Hon. Courtney Houssos said, just the very first step in terms of putting some kind of rigour, law and controls around the State Government's various grant processes, which are largely lawless. The Parliamentary Secretary spoke about the guidelines, but the guidelines are barely adequate. They are substandard when compared to the Commonwealth grants guidelines. ICAC has said that; the Auditor-General has said that. The Premier's guidelines, clearly, are substandard and inadequate. Worse than that, they are not even mandatory. They have no legal status and in pretty much every grants scheme we have looked at, they have been totally ignored.

The quarter of a billion dollars in the Stronger Communities Fund tied grants round that got shovelled out in the nine months before the last State election had no connection at all with the guidelines—did not even pretend to. Basically, projects were chosen by Government MPs, and then only once a project was chosen did the council become an eligible council. No-one can work out who made the decision. We have had this weird ping-pong battle between the ministerial offices and Mr Hurst at the Office of Local Government. No-one can work out who actually made the decision; they are all denying it. But at the end of the day, Mr Hurst signed off on about a quarter of a billion dollars worth of funding.

One grant for \$90 million went to two projects in Hornsby Shire Council which were approved in a 72-hour turnaround. Some of the most extraordinary evidence we heard was from Mr Head, the CEO of Hornsby Shire Council, who got a phone call one afternoon from Mr Hurst saying, "Would you like \$90 million?" He said yes

and three days later the council had it. Well, there you go—that is the Premier's guidelines up and running. If ever a system needed rigorous, fundamental root-and-branch reform, it is the way this Government shovels out and pork-barrels public money for its own partisan advantage in a lawless fashion. It is time we put some law into it. It is time we put some controls on it. I can tell members that in the next few days there will be a lovely report from the Public Accountability Committee, which will hopefully set a standard that we can all aim for. In the meantime, The Greens commend this effort.

The Hon. ROBERT BORSAK (23:51): In reply: The Government Sector Finance Amendment (Government Grants) Bill 2021 is a relatively simple bill, in the sense that all it asks for is the courtesy to be told when a pigeon from the National Party flies into an electorate, makes announcements and hands out cheques. I must say that those cheques are very welcome.

The Hon. Wes Fang: They never see you bringing them.

The Hon. ROBERT BORSAK: Well, I would like to get our party's share of the pork barrel too, but you are not generous enough to give us any. The reality is that National Party members fly into our electorates, hand out cheques to people after we have helped them put the applications in, and then grab the photo opportunity thinking that the people in those electorates are so naive and so stupid that they actually would vote for the National Party after throwing them out. All this money suddenly gushing in is because of—what? It is because we were elected. It boggles the mind to think what, if anything, goes through the head of the National Party, its leadership and the rest of them, who think if they turn up with a cheque and get a picture in the paper—especially if Steph Cooke comes from Cootamundra and goes down to hand out cheques in Griffith—that people will see any relevance in them whatsoever. They do not; that is the reality.

All the excellent work that the Public Accountability Committee has done in revealing where this dirty money comes from makes things even worse. If this bill does anything, it opens it and makes it transparent. I heard one of the honourable members on the Government benches complaining that it would create transparency, "Ooh, we'd have to tell everybody we're going to go down there and give out these cheques. Isn't that terrible?" Well, really? All they are doing is compounding the sin by talking that way. I can see the smirk on the Hon. Sam Farraway's face. He knows exactly what I am talking about.

The Hon. Sam Farraway: I'll get you a box of tissues later, mate.

The Hon. ROBERT BORSAK: You know exactly what I am talking about. I really do appreciate the debate. I appreciate the fact that the National Party just does not get it. I look forward to seeing this bill debated in the Legislative Assembly by—I will have to pick one. The reality, of course, is that it will go down there. If Government members have half a brain, they will support it down there and just get it done. It is important that the money from a bill like this is distributed properly and fairly, that there is a process involved and that there is—God forbid—transparency. That is the hard part. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

The House divided.

Ayes21
Noes15
Majority.....6

AYES

Banasiak
Buttigieg (teller)
Faehrmann
Houssos
Mookhey
Pearson
Searle

Borsak
D'Adam (teller)
Field
Hurst
Moriarty
Primrose
Shoebridge

Boyd
Donnelly
Graham
Jackson
Moselmane
Roberts
Veitch

NOES

Amato
Farraway (teller)
Khan
Martin
Nile

Fang
Franklin
Maclaren-Jones (teller)
Mason-Cox
Taylor

Farlow
Harwin
Mallard
Mitchell
Tudehope

PAIRS

Secord
SharpeCusack
Ward**Motion agreed to.**

The PRESIDENT: I will not proceed with the third reading of the bill tonight as it is past midnight. Is leave granted for the bill to proceed to the third reading when it is next before the House?

Leave granted.

The PRESIDENT: According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate***ADJOURNMENT**

The PRESIDENT: I propose:

That this House do now adjourn.

BUILDING AND CONSTRUCTION INDUSTRY AND SOCIAL INFRASTRUCTURE

The Hon. PETER PRIMROSE (00:05): When the New South Wales Liberal-Nationals Government talks about jobs and infrastructure, there is only one kind of job they ever seem to really want to discuss: the sort of job that comes with a photo opportunity and a hard hat. Construction and physical infrastructure jobs are vital to our community and to our economy, but civil construction is not the only work that people do in New South Wales, and civil construction is not the only work that people need to have done. In western Sydney work in construction and physical infrastructure provides good jobs that are skilled and well paid. The people who work in the construction industry build our physical communities, including our homes, schools, places of worship, recreation facilities, roads, bridges, manufacturing, shopping centres and childcare centres. But, like everyone else, the people employed in the construction industry live and work in communities.

Communities are not only made of bricks and mortar; communities are also built by other highly skilled workers like those in the health, community and disability sectors. They include disability support workers, nurses, doctors, medical administrators, youth workers, aged-services workers, counsellors, early childhood educators, cleaners, social workers, youth workers and community nurses, to name a few. They help us to be a part of our communities. Both industries and both types of work in construction and social infrastructure are vital, yet they do not both get the same recognition or priority from the Government.

Despite being the fastest growing workforce in Australia, including in New South Wales, there have been virtually no announcements about job creation, workforce development, training or major funding for the largely feminised health, community and disability sector. Currently one in eight jobs in our State comes from that sector. The workforce is growing exponentially and it is estimated that by 2050 it will make up over one-quarter of our labour market, yet the Government is missing in action. We do not see announcements about funding for the training of disability support workers, youth workers; community workers or early childhood educators.

In the wake of the aged care royal commission and now the disability royal commission I would have thought that the New South Wales State Government would be looking towards that sector as a way not only to enrich our communities but also to grow our economies and deliver good, skilled jobs. Those jobs are particularly critical for western Sydney. Recent modelling by Victoria University shows that \$1 billion of net investment in the aged, disability and childcare sectors alone could lift economic activity in New South Wales by \$10 billion per year. Government investment in social infrastructure in the health, community and disability sectors stimulates jobs and better conditions, provides economic stimulus to all other sectors of our community and the economy, and specifically addresses the historic feminised economic disadvantage that has been highlighted during COVID.

In terms of jobs, investment in the health, community and disability sectors outperforms the multiplier effect of most other industries. What I found most astonishing in the recent round of budget estimates was that the Minister for Jobs, Investment, Tourism and Western Sydney could not even name the largest growing workforce in western Sydney, much less talk sensibly about issues of workforce development or the economic impact of the sector. Instead, his own agency's report claimed it to be a declining sector with a reducing workforce. The Minister is just wrong.

Every reputable source in the country knows the truth and provides regular and detailed data and information that is directly opposite to what the Minister claims. Those sources include the Australian Bureau of

Statistics, the Federal Department of Employment, the Australian Government Department of Jobs and Small Business Employment Projections, the Productivity Commission, National Disability Services, the Regional Australia Institute and every university in this country. This is too serious to get wrong. We need to invest now in the health, community and disability sector and the jobs that it generates for the sake of our communities and our economy and the jobs that our community needs well into the future.

DENI UTE MUSTER MUSEUM

The Hon. WES FANG (00:10): Ute enthusiasts can now celebrate the spirit of the Deni Ute Muster all year round with a new museum showcasing 22 years of the festival officially opening its doors, thanks to New South Wales Government funding. The new local tourist attraction will allow visitors to relive two decades of memories, as well as experience vintage utes up close and see highlights of previous events on audiovisual displays. It was fantastic to represent the New South Wales Government at last week's opening of the new museum—a brand new and innovative space where patrons can enjoy the history of the Deni Ute Muster and celebrate the Aussie icon that is the ute.

The Deni Ute Muster attracts up to 20,000 people annually and while the past year has certainly been a challenge because of COVID, I know this investment will only add to the many reasons for people to visit Deniliquin well into the future. Located on the site of the popular event, the new museum received \$1.6 million from the New South Wales Government. The museum tells the story of the event from its beginnings in 1999 to the present day. Of particular interest are the time capsule contents of a "history box" for each year of the event, including stickers, tickets, wristbands and merchandise for each particular year the event has been held. To see how the muster has evolved over its 22-year history is quite incredible.

In the late 1990s Deniliquin was struggling with severe drought, and income for the town was becoming scarce. To help drum up support for the town, a small group of community-minded people came together with the aim to start a rural-themed festival to bring visitors to the edge of the outback. The ute and the plains were chosen as themes for the first festival for people of all ages. The Deni Play on the Plains Festival was held in October 1999 and, after the success of the event, Deni lay claim to the ute capital of the world and erected a ute on a pole in celebration. Also gracing the museum are honour boards listing competition winners and interactive touch screens where people can go through the photos from each year of the muster, which I am sure will be a favourite for families.

A library has also been established containing magazines, books and newspapers which featured the ute muster. Combined with a new retail space, supporters and attendees will help contribute to the ongoing success of the muster for years to come. The main attraction of the current exhibition is a 1979 HZWB Bitza designed and built by Ferrel Kev and now retired to the exhibition. I know that Mr David Shoebridge and Ferrel Kev would have much in common. I say "current exhibition" because the museum has had so many exhibition donations that it will be able to constantly rotate its centrepiece. As a self-confessed motor enthusiast, I was also keen to have a look at two Isuzu Wasp utes from the 1960s that were in the museum on the day. These vehicles are incredibly rare, with only 122 Wasps brought to Australia, making them a special sight on the weekend. The Deni Ute Muster museum will be a great tourist spot, attracting many visitors across the state to Deniliquin each year.

Our economy is returning strongly and the Government is steadfast in its mission to keep more people in jobs. The investment will ensure that the festival will be bigger and better than ever when it is held in October this year. Major events like the ute muster showcase our regional places and communities to people across the country and contribute significantly to our economies by attracting more visitors to the region. The New South Wales Government is investing record amounts to deliver projects to stimulate regional economies and boost drought resilience, but it is also backing community projects like the ute muster museum that make a difference to life in our regions. I pass on my thanks and congratulate Russell Tait, the chair of Play on the Plains festival, and Vicki Lowry, general manager of the Deni Ute Muster, on the successful completion and opening of the new museum. I hope to see you all there—including Mr David Shoebridge—in October for the festival.

BUILDING STANDARDS

Mr DAVID SHOEBRIDGE (00:15): It is time to talk about private certifiers, pretend regulation and collapsing building standards in New South Wales. A good place to start is with the Dix Gardner Group. That group says on its website that it is "... well known and regarded as one of Australia's pre-eminent private building certifiers, operating in Australia since 1998." Who is in charge of this company, you might ask? The answer is: Lyall Dix. As the managing director of the group, Mr Lyall Dix is the most influential person in the organisation. The problem is that Lyall Dix is also the most fined private certifier in New South Wales. He has been fined more than \$88,000 by the NSW Building Professionals Board following dozens of complaints about his role as a certifier, including that he failed to adequately inspect buildings and failed to exercise reasonable care and attention as the principal certifying authority.

In 2012 he was found to have issued a construction certificate for a residential flat building which was inconsistent with the development consent by virtue of it containing an entire additional residential apartment, lift shaft, driveway and car parking area. He also issued a construction certificate for a residential flat building which included a dangerous stairway that was not fire isolated and did not comply with the Building Code of Australia. He was disqualified from being a certifier for 12 months and fined, and his response was to move from being a certifier at Dix Gardner to being its managing director. Meanwhile, NSW Fair Trading and the New South Wales Government threw up their hands and did nothing—and so that continues.

Other private certifiers have had even more complaints. It took 28 cautions, reprimands and fines by the regulator over six years before Bernard Cohen was finally banned in 2011 from being a private certifier. His ban was for two years. What, you might ask, does Bernard do now? He is the director of Essential Certifiers and, to quote from his LinkedIn profile, "... manages the ongoing operation of the company including customer satisfaction and ensuring work methods are adhered to, so to ensure timely delivery of services." Good luck with that. It took seven cautions, reprimands and fines over 14 years before Valerio Lilli was finally banned in 2019 from being a private certifier for five years because he issued an occupation certificate for a 378-unit development that was not fit to be occupied and was a hazard to the health and safety of its occupants. However, Mr Lilli's company continues to operate as Elite Certification, working on numerous large-scale multi-unit residential developments across Sydney.

And then we come to Glenn Fitzgibbon. Mr Fitzgibbon was rebuked 29 times between 2008 and 2019 before his accreditation was cancelled for five years in June 2019. The list of breaches that he signed off on is extraordinary, including failing to ensure buildings met minimum fire safety standards and signing off on major deviations from approved development consents that provided untold cost savings and increased building yields to developers. You have to ask yourself: What kind of pretend regulation allows an official to fail 29 times before it removes them? The system does not work. Private certification does not work. It is time the two-decades long experiment of privatising the regulation of building quality ended and we returned the regulation of building standards to public officials in local councils and at a State Government level. Until that happens, New South Wales will continue to have the best building standards that unscrupulous developers can buy.

SEXUAL VIOLENCE AND CONSENT

The Hon. ROSE JACKSON (00:19): The emergent national conversation about sexual harassment, sexual assault and sexual consent over recent months has already had a profound and positive impact. My personal view is that we have probably heard enough from the politicians in that national conversation, even the well-intentioned ones who want to say that they did not know or they are here to help. My personal view is that politicians need to step back. We are not the protagonists in this story—and sometimes, sadly, we are certainly the antagonists. If we have a platform, we need to use it to promote the voices and the stories of women who do not have access to all of the privileges we enjoy in having our voices heard.

When I thought about talking about this issue in Parliament—which I knew I wanted to do—I also knew that it needed to be more than just nice words from me or passionate statements about how much I care. I knew that I needed to fill the space I have been given with the voices of other women who have had the courage to speak but who otherwise do not have the platforms to be heard. The following are all direct extracts from testimonials provided as part of the online petition launched by Chanel Contos. These are the voices we need to hear and the stories that need to be placed on the record. I am reading them onto the public record so they stand as a witness to the lives of young women in New South Wales. They are a much better call to action than I could construct on my own. If anyone listening feels upset by something they hear, they should know that they can get support at 1800 RESPECT—1800 737 732. The extracts state:

One of my best friends was sexually assaulted and was ridiculed by his friends after going to the police to report it. I watched her become someone else. This boy ruined her life and he was walking around as if nothing happened.

I was at a party and I was taken into a room by a guy I was flirting with—he proceeded to have sex with me, I said no and stop over and over but he didn't listen.

I didn't tell anyone, I was in denial and didn't want to feel like a victim.

They would make drinks like 'slut juice' and when a girl was really drunk they would corner you and isolate you from your friends. I had times I would go outside for some fresh air after drinking a mixed drink and a boy would start trying to kiss you and grope you. You would tell them no but they tell you that you want it, that you flirted with them. It was so stressful, they'd tell their friends the following day they had intercourse with them. Boys would hurl abuse at you for being easy or a slut and then when they are drunk tell you that you did it before with their friends so they can do it with you too.

I was at a party. I was 14 he was 15. We were kissing. He led me to the side of the house and told me if I did not give him oral sex he would spread rumours I was bad at it. I didn't want to but out of fear I did it anyway.

My virginity was taken by a rapist at 15 and word got around school and I was slut-shamed for it. The second time I had sex I was extremely intoxicated and didn't want to, only did because I felt I may as well live up to the names I was getting called. I seriously struggled to have sex sober for the years following because I felt so powerless already.

I was 14 and I went over to my friend's house and we went down to some park to meet some boys who graduated a few years before. We started drinking vodka—this was one of my first time drinking and I didn't know how much I could handle—all I remember was passing out on the grass and one guy putting his penis in my mouth and then other guy coming over and doing the same and they left me passed out. I thought it was my fault because I got too drunk.

One girl was drunk at a house party while boys took photos of her getting fingered without her knowledge or consent. These were circulated like wildfire.

I was 17 and at first I thought it was normal because I was told I was looking for attention and desperate. At a park I was taken away from the others by a boy I can't even remember his name, I was so drunk I will never really remember the details of it. All I remember is feeling helpless as my pants were pulled down. A feeling I'd never felt before of regret and discomfort rushed over my body while he went down on me. I'd never done anything like it and to this day I still feel uncomfortable receiving oral sex from my boyfriend.

In another instance I was with a boy who forced me to give him head and I cried as he made me do it. He stopped and tried to comfort me then told me to try again. I said no so many times and I thought for the longest time that it was my fault this happened. I thought I was crazy for feeling so horrible and sick about it. It wasn't until we had a sexual assault talk that I understood and cried all the way home on a public bus.

I met a boy at a house party when we were in Year 11. I got blackout drunk and passed out at the house. I woke up on the bathroom floor and he had pulled my tampon out and forced himself inside me while I was unconscious.

He put my hand on his penis and I remember so clearly that I did not want to touch it but he made me. He then put his hand under my jeans and my underwear while I said no and pulled at his hand. I couldn't move it so I sat there helpless while he put his hands inside my underwear. I felt like I wasn't in my own body and I completely disassociated. I said I needed to go to the bathroom and I remember not being able to pee. I was so scared and disgusted and uncomfortable. In my head I knew something was wrong but for some reason I convinced myself that this was just something that happened.

These are not just things that happen. Enough is enough. Girls, you are brave and your stories have been recorded and listened to. Now we must act.

BUSINESS COUNCIL OF CO-OPERATIVES AND MUTUALS

The Hon. SCOTT FARLOW (00:24): Tonight I draw to the attention of the House the contribution of the Business Council of Co-operatives and Mutuals throughout the COVID-19 pandemic. The Business Council of Co-operatives and Mutuals commenced their CEO Leadership Summit today in this place. More than 600 co-ops are registered throughout New South Wales and the contribution of the top 10 New South Wales co-operatives and mutuals is \$7.3 billion to the New South Wales economy. Co-operatives and mutuals have done a stellar job in helping New South Wales and Australia through the last 12 months, supporting their members and communities including through maintaining services at a consistent level and quality.

The 24,000 famers across Australia who kept food on our plates, like the North Coast Fresh Food & Cold Storage Co-operative Company Ltd [NORCO] and the Casino Co-Op; the co-operatives and mutual enterprises [CMEs] in financial services that provided relief for their members as they fell on hard times, like the IMB Bank and the Credit Union of Australia [CUA]; mobility and tourism businesses like the NRMA; and businesses that deliver consumer-centred health, particularly through health insurance providers such as the Hospitals Contribution Fund of Australia [HCF], or businesses that deliver assistance to disability and aged care services, and manage affordable housing for the vulnerable.

Our co-ops and mutuals throughout New South Wales have been there for their members and their communities. Eight in 10 people in Australia are members of co-ops and mutuals, which have more than \$1.06 trillion in gross assets, with a combined turnover of nearly \$100 billion. CMEs have a different purpose to investor-led businesses and are 25 per cent longer lived. We have seen their different approach throughout the pandemic in how they have helped members. Here are a few stories of how CMEs have been able to help their members and their communities throughout the pandemic. HCF, which is a name I am sure is known to all, redeployed staff into a hardship team to look after their members. The team provided packages of support for members valued collectively at around \$100 million. HCF also redeployed its staff to man the phones for mental health checks for their members. The hardship measures of HCF have been more than twice others in the market, providing approximately 75,000 people with health coverage for up to six months for zero premium if they are in a hardship situation.

The NRMA made 20,000 cars from its Thrifty business available to health workers and redeployed their contact centre staff to call people in quarantine by working with Red Cross and Lifeline to provide vital mental health support, and made welfare calls to all members living alone. In addition the NRMA provided housing in hotels and holiday parks for the homeless, or housed people from domestic violence situations. Throughout the past 12 months we have seen lots of changes in the environment and in the market. For example, the Northern Co-operative Meat Co, which is now known as the Casino Food Co-Op, has pivoted after losing 10 per cent of its business from the Chinese export market yet has been able to increase profit during this time

and provide more benefits for their members and vital communities in the northern part of the State. With our eyes turned north, we look to a company like Norco, which is another famous name. Norco was financially impacted due a reduction in demand for products to key customers, such as restaurants, cafes, bakeries and hospitality venues. Overnight Norco lost a key part of its market but the milk was still flowing.

Despite the setbacks, Norco was able to pivot and work on acquiring new customers and delivering on the increased consumer demand across other channels, such as grocery and independent retailers. Norco diversified its branded offer and launched into the ice cream segment with a new brand of premium one-litre ice cream products called Hinterland. The launch was supported by Woolworths, which stocked the range in over 900 stores nationally. That resulted in Norco increasing the milk price paid to farmers by \$17.1 million during 2020 financial year and beginning the 2021 financial year with the highest opening farm gate milk price in Norco's 125-year history. We have seen that through the work of co-ops and mutuals throughout New South Wales they have been able to respond to the COVID-19 pandemic, provide for their members and provide for our communities. We thank them very much. I wish to thank personally the Business Council's CEO, Melina Morrison, who has been helping with our COVID response in New South Wales through the Business NSW consultations with NSW Treasury. I commend all of the co-ops throughout New South Wales for the fine work they have done in helping us with our COVID response.

FAMILY LAW REFORM

Ms ABIGAIL BOYD (00:29): I tell members the story that was told to me by a victim-survivor of domestic abuse. I want members to think about what they would have done in her position. Meg has two young children. She knows they are being physically and sexually abused by their biological father, so she does exactly what anyone should do: She reports the abuse. Meg becomes their primary carer, but despite an apprehended violence order against their father, he is still granted supervised visits with her children. Her son says that he is scared of his dad. He was physically attacked, with visible cuts and bruises. Her daughter discloses multiple occasions of sexual assault. Neither of the children want to see their father, but the supervised visits remain mandatory. Then after Meg refuses to force her children to see their abuser in a supervised visit, the Family Court revokes her primary carer status. The Department of Communities and Justice determines that she is the risk to her children and they are removed from her care. She has not seen them since Mother's Day last year.

Meg's story is just one of many I heard last weekend at a roundtable held by Sisters in Law, a group of women who were forced to navigate family law and who are now advocating for broad systemic change. They told of the devastation caused by systemic failures in the interaction between New South Wales and Federal government agencies. The stories of those women who had sought to protect their children, only to lose custody of them to their abusers, were heartbreaking. Yet they are not exceptional. Stories of an abuser's right to see their children trumping the children's right to safety are all too frequent. What would members do if they had reason to believe that their child was being abused by the other parent? What would members do if their lawyer advised them to minimise those concerns to avoid being deemed a risk to their child by the Family Court? How would they weigh the risk of losing custody of their children for being unable to convince a Federal court that they were being abused against the risk of staying silent about the abuse and leaving your children in harm's way in breach of State disclosure laws? Those are the impossible choices parents are being asked to make.

In New South Wales child protection authorities make protection orders based on determinations of significant harm using investigative powers in homes and schools that are not available to Federal courts. But currently there is no requirement for those orders to be tabled or considered during custody determinations. That must change. Either consideration of child protection orders must become mandatory or the Federal courts must hand custody and access determination powers to the New South Wales courts. I understand that family law is frequently a balancing act. We should enable children to have a relationship with both of their parents and ensure children's access rights. We need systems that do not reward false claims. But those aims should not come at the expense of children's safety. The current system cannot be considered adequate when so many are not being protected by it. Frankly, many of those children would have been better off if they had had no involvement with the Family Court.

This is complicated. I do not have all the answers, but I do know that if the result of the current system is that children are suffering and continue to be at risk of abuse, we need to act. The Greens would support an inquiry into these issues. I ask all members to think about other ways that we can begin to solve these problems together. I would like to thank Sally Stevenson and the Illawarra Women's Health Centre for hosting our group, Jane Matts for her explanation of the technical issues within the system, and those who gave up their Saturday to listen and learn: the MP for Shellharbour, Anna Watson; author and investigative journalist Jess Hill; family violence advocate Geraldine Bilston; Lula Dembele from No to Violence; Dr Karen Williams from the National Justice Project; and Kerrie Thompson, CEO of VOCAL. Most importantly, I want to thank the mothers who have lost so

much but who are still willing to work so hard to change the system that has wronged them. Together we will work to fix this broken system and ensure that every child is protected from abuse.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The House now stands adjourned.

The House adjourned at 00:34 until Thursday 18 March 2021 at 10:00.