



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 24 March 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 24 March 2021

Presiding Officers

PRESIDENT OF THE LEGISLATIVE COUNCIL

Vacancy

The CLERK: I announce receipt of the following communication from the office of Her Excellency the Governor, advising that the office of President of the Legislative Council has become vacant through the resignation under section 22G of the Constitution Act 1902 of the Hon. John Ajaka:

GOVERNMENT HOUSE
SYDNEY

Wednesday, 24 March 2021

Dear Mr Blunt,

Her Excellency the Governor has this morning received, and accepted, the resignation of the Honourable John Ajaka, MLC, as President of the Legislative Council of New South Wales.

I enclose a copy of his letter of resignation with Her Excellency's acknowledgement.

Yours sincerely,

Colonel Michael Miller, RFD
Official Secretary to the Governor of New South Wales

Election

The CLERK: Pursuant to the provisions of section 22G of the Constitution Act 1902, I announce that the office of the President of the Legislative Council is vacant. It is necessary for the House to choose a member to be President before the House proceeds to the dispatch of business. I now call for nominations for President.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:01): I propose to the House and move:

That the Hon. Natasha Maclaren-Jones do take the chair of this House as President.

The Hon. Natasha Maclaren-Jones has the demonstrated temperament, character and expertise to be the President of this House. She was elected to the House 10 years ago in 2011 and has served here for a decade with distinction. She has served five years as a Temporary Chair of Committees, giving her the valuable experience she needs in managing the robust debates in this House. She has been the Chair of the Selection of Bills Committee, and also of the Standing Committee on Law and Justice and General Purpose Standing Committee No. 3.

Most members would be aware that she has been a remarkably capable Government Whip, demonstrating a flair for organisation of members on our side of the House. She also has a level of leadership to ensure our Chamber and its processes function effectively, especially in this complex Fifty-Seventh Parliament. She has been a particularly strong leader in my party and her party, holding high offices through the organisational wing, being a champion for female representation in Parliament and in organised politics generally. She has had a varied career, being both trained and working as a psychiatric nurse and also having worked in the pharmaceutical industry before being elected to this Parliament.

I note her strong support for veterans groups and Legacy Australia. Her father, a submariner in the Royal Australian Navy, passed away when she was a teenager, which led her to understand the need for organisations such as Legacy. Her commitment to them has been abiding and genuine. She has worked with boards of women's refuges in the northern beaches community and has very proudly been part of the Parliamentary Friends for the Prevention of Domestic Violence and Sexual Assault. She would be the fourth woman to assume the chair, and I know she would be a very capable—I hesitate to say it, but I will use the traditional formulation—master and servant of this House, as the President must be. She declared in her maiden speech the importance of this place being a check and balance on the Executive. At a time when there is a particular focus on the way parliaments function as a workplace, I believe her character is one that can lead positive change. I commend her nomination to honourable members.

The Hon. ADAM SEARLE (10:05): I propose to the House and move:

That the Hon. Peter Primrose do take the chair of this House as President.

In speaking to this nomination, it is well known to all members that the Hon. Peter Primrose is an outstanding member of this House. First elected to Parliament in 1988, he has a distinguished record of service in both the other place and in this place. He has been a Whip, a Minister of the Crown, a shadow Minister in many portfolios, and, of course, famously, he has previously been President of this Chamber. He has shown the temperament and the technical expertise, the experience and, more importantly, both the integrity and the standing to occupy the highest elected office in this place as Chair and as President. He has an unparalleled knowledge of the traditions, the forms and the rules of this place, and is a person to whom I and many other members have deferred, along with the Clerk, to know what to do in certain situations, how the rules are to be applied and what they mean.

The Hon. Peter Primrose also has an unparalleled knowledge of the traditions and the experiences of this place. It is extremely important that, although he has been a warrior in a partisan cause, he has also shown a demonstrated capability to act in a nonpartisan way. His experience as President, with his multiple rulings, speaks for itself. All members in this place could have confidence that he would be a fair, impartial and independent Chair. This is important, because since the last election this House has chosen to amend many of the ways in which we operate, whether it be question time, committees or the way in which Standing Order 52 is expressed and applied. In the last couple of years the previous President was called upon to make many important rulings about the scope of Standing Order 52 and the powers, rights and privileges of this House vis-a-vis the Executive.

It is vital that this House chooses a candidate as President that all members, whatever their stripe, can have confidence in. By his experience the Hon. Peter Primrose has demonstrated that. This House wishes to continue the ethos and the outlook that it has adopted since the 2019 election and will not embrace the Government candidate but will express its will in another way, which is why we put forward the Hon. Peter Primrose as the Opposition candidate. We think this is an important decision. Who the President is in this place will send a clear message to members about how this House considers itself and how it will conduct itself towards the Executive. All honourable members know that if it were a free choice of members in this place there is at least one member, possibly two, from the Government ranks who would be freely chosen by members to be the President. The Government by a variety of means has chosen to make those persons unavailable. Therefore, we present the Hon. Peter Primrose, a former President of this place, to be the President. We commend him to the House.

The CLERK: There being no further nomination, I invite the Hon. Natasha Maclaren-Jones to address the House.

The Hon. NATASHA MACLAREN-JONES (10:09): I thank the Leader of the Government for the nomination. It would be an honour to serve as President of the Legislative Council. I was elected to this place in 2011. Within three weeks of being sworn in I was appointed by then President Harwin as a Temporary Chair of Committees. Although I had not been in this House for long, I came to it with experience and went on to serve in that role for five years until I was elected as Whip by my colleagues. During my time as Temporary Chair, I served with integrity, my rulings were not challenged and, above all, I was impartial and respected the position I held. Over the past five years I have worked with all of you in my role as Whip. I believe I have shown to you that although I am the Whip for Government members, my door has always been open to all members of this House as I have endeavoured to work with all of you.

Should I be elected today, I will continue to work with you and serve as an independent and impartial President. As with all ballots in this place, there has been a flurry of activity and innuendo. I want to thank those who encouraged me to stand. And for those who discouraged me, I also thank you for giving me motivation. I can now understand why there have only been three female Presidents over the past 160 years. Too often women are told to wait, to not put themselves forward for promotion or positions of leadership, that their time will come or they are too good at the job they do. I have never been one to waste time complaining about the challenges and obstacles women face in politics. I prefer action.

We have all had our share of harassment and standover tactics. In fact, I say to women across all professions: Push yourself off the sticky step or gluey chair and walk past the sliding door. For me there is no higher office in this place than to serve as President of the Legislative Council. I say to those who have raised concerns about my ambition: I am ambitious. I am ambitious for my country, I am ambitious for my State and I am ambitious for the next generation, particularly young women. The role of President is not a retirement post. It is a position of responsibility and service to the members of this House and the people of New South Wales. I submit myself to the will of the House.

The CLERK: I now invite the Hon. Peter Primrose to address the House.

The Hon. PETER PRIMROSE (10:11): Thank you, Mr Clerk. I also submit myself to the will of the House. I will simply say that, whoever is President of this House, their absolute priority should be to ensure that the traditions and independence of this House from the Executive absolutely be at the forefront of what they do.

It is for that reason—and I accept that the Leader of the Government used the term and I will use it as well—that the President should be both the master and the servant of this place and, in doing so, ensure that they do not act in any way, shape or form as a servant of the Executive. It is absolutely vital that this House maintains its genuine independence in all of its activities from the Executive of the day, whichever party that may be.

The CLERK: According to the standing orders, I announce that there being two nominations a ballot will be held. Before proceeding to the ballot, the bells will be rung for five minutes.

Ballot

The Clerk announced that the House would proceed to a ballot; that the Clerks would distribute ballot papers for members to complete in their places; that members were requested to write upon their ballot paper the name of the candidate for whom they wished to vote; that when voting was completed the Clerks would ask members to deposit their paper in the ballot box; and that the candidates were the Hon. Natasha Maclaren-Jones and the Hon. Peter Primrose.

The ballot was conducted.

The Clerk invited the Hon. Don Harwin and the Hon. Adam Searle to be scrutineers.

Declaration of Ballot

The CLERK: I announce the result of the ballot as follows: the Hon. Natasha Maclaren-Jones, 20 votes; the Hon. Peter Primrose, 14 votes; informal, eight votes. Honourable members, under Standing Order 13, in the absence of one of the two candidates receiving a majority of the votes of the members present, I am not in a position to declare either of the candidates elected.

The Hon. DON HARWIN: I suggest that you do now leave the chair for the convenience of honourable members until the ringing of a long bell.

The CLERK: As I leave the chair until the ringing of a long bell, I indicate to honourable members that the ringing of a long bell is an indeterminate time. I assure honourable members that the bell will be rung when I have an assurance from both the Leader of the Government and the Leader of the Opposition that it is appropriate to do so. I will give all members 15 minutes notice by way of email that the bell is to be rung and the House will resume.

[The Clerk left the chair at 10:30. The House resumed at 14:35.]

Election

The CLERK: I draw the attention of honourable members to an entry in the *Annotated Standing Orders of the New South Wales Legislative Council* on Standing Order 13, which includes a reference in a footnote to advice received by the Clerk of the Parliaments from the Crown Solicitor entitled "Election of President of the Legislative Council", 4 August 1966". Turning to that advice from the Crown Solicitor, although the legal framework upon which the election of the President in 1966 was different and was conducted under an Act of Parliament rather than under the standing orders, the Clerk on that occasion had sought advice from the Crown Solicitor on a number of questions, which, at the end, dealt with a range of options available in the scenarios that the House has faced this morning. The Crown Solicitor's advice on that occasion stated:

In my view the practical necessity of having a President chosen, and chosen as soon as possible, must be the overriding consideration. If there is no alternative to an adjournment of the House then that course would be justified.

It seems to me, however, that a further attempt should be made to put the same question as it may have a successful result. Finally, I also see no reason why you should not accept nominations of members previously nominated as a further step.

I understand that the two candidates are still before the House. I invite the Leader of the Government and the Leader of the Opposition to confirm that that is the case.

The Hon. DON HARWIN: The Hon. Natasha Maclaren-Jones is still before the House.

The Hon. ADAM SEARLE: The Hon. Peter Primrose is still before the House.

The CLERK: In that case, there are two candidates before the House: the Hon. Natasha Maclaren-Jones and the Hon. Peter Primrose. A ballot is required to be held. The bells will be rung for five minutes, after which a ballot will be held in the same manner as this morning.

Ballot

The Clerk announced that the House would proceed to a ballot; that the Clerks would distribute ballot papers for members to complete in their places; that members were requested to write upon their ballot paper the name of the candidate for whom they wished to vote; that when voting was completed the Clerks would ask

members to deposit their paper in the ballot box; and that the candidates were the Hon. Natasha Maclaren-Jones and the Hon. Peter Primrose.

The ballot was conducted.

The Clerk invited the Hon. Don Harwin and the Hon. Adam Searle to be scrutineers.

Declaration of Ballot

The CLERK: I announce the result of the ballot as follows: the Hon. Natasha Maclaren-Jones, 20 votes; the Hon. Peter Primrose, 14 votes; informal, eight votes. Under Standing Order 13, in the absence of one of the two candidates receiving a majority of the votes of the members present, I am not in a position to declare either of the candidates elected.

The Hon. DON HARWIN: I suggest that you do now leave the chair for the convenience of honourable members until the ringing of a long bell.

The CLERK: I will now leave the chair until the ringing of a long bell. I assure honourable members that the bell will be rung when I have an assurance from both the Leader of the Government and the Leader of the Opposition that it is appropriate to do so. I will give all members 15 minutes notice by way of email that the bell is to be rung and the House will resume.

[The Clerk left the chair at 14:52.]

Tuesday, 4 May 2021

[Continuation of sitting of Wednesday 24 March 2021.]

[The bells having been rung, the House resumed at 14:30 with the Clerk in the chair.]

Ballot

The Hon. Don Harwin: Point of order: The point of order relates to the ballots for the election of the President of the Legislative Council held on 24 March 2021. On that date two ballots were held for the election of the President of the Legislative Council. In relation to the first ballot held on 24 March, the Clerk indicated to the House as follows:

I announce the result of the ballot as follows: the Hon. Natasha Maclaren-Jones, 20 votes; the Hon. Peter Primrose, 14 votes; informal, eight votes. Honourable members, under Standing Order 13, in the absence of one of the two candidates receiving a majority of the votes of the members present, I am not in a position to declare either of the candidates elected.

In relation to the second ballot held on 24 March, the Clerk indicated to the House as follows:

I announce the result of the ballot as follows: the Hon. Natasha Maclaren-Jones, 20 votes; the Hon. Peter Primrose, 14 votes; informal, eight votes. Under Standing Order 13, in the absence of one of the two candidates receiving a majority of the votes of the members present, I am not in a position to declare either of the candidates elected.

The Clerk received written advice on the election of the President from Mr Bret Walker, AO, SC, on 27 April 2021, which was circulated to members of this House on that day. I table the following documents, which honourable members also have had circulated to them:

- (1) Legal advice from the Crown Solicitor's Office, dated 29 March 2021, in relation to Standing Order 13 and the proceedings in the Legislative Council regarding the election of a President.
- (2) Legal advice from Mr Bret Walker AO SC, dated 27 April 2021, in relation to Standing Order 13 and the proceedings in the Legislative Council regarding the election of a President.

I move:

That the documents be printed.

Motion agreed to.

The Hon. Don Harwin: Mr Walker's advice is absolutely clear that the Hon. Natasha Maclaren-Jones was elected on 24 March 2021. In paragraph 2 of his advice, Mr Walker states that the results of both ballots on 24 March:

... produced the election of the Hon Natasha Maclaren-Jones ...

It is a very affirmative and clear statement. In paragraph 11 of his advice, Mr Walker states:

... the first ballot held on 24th March 2021 should have led to declaration of election as President of the candidate with 20 votes out of 34 votes cast.

In the Clerk's request for advice to Mr Walker, the Clerk specifically sought advice from Mr Walker on the following question:

Given the continuing lack of agreement on the result of the election, should I take any immediate action in response to the advice of the Crown Solicitor?

In paragraph 11 of the advice, Mr Walker advised in response to this question:

... the Clerk should proceed to arrange the appropriate declaration of election of a new President by reason of the first ballot or alternatively the second ballot.

It is absolutely clear that the Clerk has received clear advice from Mr Bret Walker, AO, SC, as to the correct operation of Standing Order 13 and that the Hon. Natasha Maclaren-Jones was in fact elected on 24 March. Section 15 of the Constitution Act provides that the standing orders are binding and of force. The Clerk should now proceed in accordance with the legal advice he has received from Mr Walker and declare the Hon. Natasha Maclaren-Jones as the President of this House. Even if the view is taken that rulings were made by the Clerk on 24 March 2021 that he was not in a position to declare the election of the President at that time, such rulings do not prevent the Clerk from taking that action now in accordance with Mr Walker's advice and the requirements of Standing Order 13. Any decision to not declare the Hon. Natasha Maclaren-Jones as President of this House following the ballots of 24 March would be a clear and intentional breach of Standing Order 13.

I remind members that the standing orders have been approved by the Governor. They are binding and have the force of law according to section 15 (2) of the New South Wales Constitution. While the House may amend the standing orders in the manner prescribed, it may not arbitrarily depart from them. It is simply unthinkable that this House would wilfully act contrary to the law of our State. In a democracy the rule of law must prevail. It is clear on reading the advice of Mr Walker that there is only one available option for the House and that is to declare the Hon. Natasha Maclaren-Jones as President following the ballots of 24 March. It would be an orderly and proper resolution to this matter for the Clerk to make that declaration in accordance with the advice of Mr Walker, SC, and I invite him to do that.

The Hon. Adam Searle: To the point of order: The Opposition makes a number of points. We accept that the standing orders of this House are binding and of force, but it is a matter of history and tradition that the interpretation of what the standing orders mean is a matter for whoever is the Presiding Officer on a given occasion. On this occasion, it was the Clerk presiding over the election of a President.

The Hon. Mark Latham: He sought legal advice.

The Hon. Adam Searle: I would appreciate it if there were no interruptions. The second point is that it is a matter for this House as to whether it accepts any ruling given by a Presiding Officer. It is a matter for this House. The Presiding Officer can have a ruling challenged, there can be a dissent motion or through not acting the House can signify that it has accepted the ruling of the Presiding Officer. All of us, I believe, were present on the occasion of the two ballots. The Clerk applied his understanding of the meaning of Standing Order 13, and it is the case that all members here voted and expressed their view on the presidency of this Chamber with a common understanding of what the standing orders meant.

The proof of that is the fact that no-one in this room—not the Leader of the Government nor any member of the Chamber—sought to demur from the ruling made by the Clerk as to his understanding of the standing orders. That happened not once but twice. The moment for that passed. The Leader of the Government then suggested that the Clerk leave the chair until the ringing of the long bell. That did not happen just once, but twice. Members of the Government, any member of this House, had two opportunities to signify that they took issue with the common understanding we all had about what Standing Order 13 meant. No-one took advantage of that opportunity.

The second point I make is that the Government produced advice from the Crown Solicitor. The Crown Solicitor's advice reached the same conclusion as Mr Walker's but by a different route. It said Standing Order 13 (2) provides for the election of a President on a simple majority and Standing Order 13 (3) requires an absolute majority of the votes of the members present. The two were in conflict and could not be reconciled, but because two comes before three a simple majority gets you home. With respect to the Crown Solicitor, that was a patently absurd advice and I note that today the Government does not rely upon it. Faced with the Government advice the Clerk took the prudent step of seeking independent legal advice. I acknowledge the standing and eminence of Bret Walker, SC. But I remind members that in so doing the Clerk was not outsourcing his decision-making, or the decision-making of this Chamber. I note the advice of Mr Walker but there are at least three difficulties in accepting that advice.

The first difficulty is that this was an electoral contest between two candidates. Mr Walker's advice appears to be inconsistent with electoral law. In electoral law there are total votes, which are divided into formal and

informal votes. In the recording of how many votes were cast at an election, informal votes, although not counted towards any candidate's tally, are nevertheless given their appropriate status as votes that were cast. Mr Walker has found that eight members of this Chamber, in not voting for either of the two candidates, did not vote and therefore they are not taken into account in evaluating whether any candidate received an absolute majority of the votes of the members present.

That leads to the next two problems with Mr Walker's advice. The common understanding we all had was that all votes had to be taken into account. The fact is Mr Walker's construction fails a number of the tests of statutory construction. First of all, it is the purposive approach, which is: when one looks at a given provision, one looks at what it is for and what is its purpose. In this case its purpose was to regulate the orderly election of the President of the Chamber. There were two failings. Mr Walker's approach has the effect of disenfranchising eight members of the House. It says they did not vote. I suggest that we ask those eight members, or all members, whether they think those eight members voted. That is a problem because in construing the meaning of the standing orders a view would not easily be reached that members opted out of the process of choosing a President of the Chamber.

If they were truly opting out of the process they would not have been in the room; they would not have bothered even to put in a blank ballot. What those members were doing was clearly expressing their dissatisfaction about the range of choices they had before them and they cast their ballot in a way to promote further discussion between members as to who would be an appropriate President of this Chamber. That was the common understanding we all had about what the standing orders meant because it promoted the inclusion of those eight members and ongoing dialogue when there was clearly no absolute majority in favour of a single candidate. Mr Walker's approach, with all due respect, fails the purposive approach to statutory construction.

The second point, which he adverts to at paragraph 9 of his advice, is that it leads to a result where a President is elected without a majority, despite the rules which clearly try to elect a President who truly has the confidence of an absolute majority of members of the Chamber. In paragraph 9 he makes the point that he does not take into account the relative stability of the Chamber. That is not his task, but that is the outcome of his reading. That reading leads to a meaning of the standing orders that results in the election of a President without a majority—without the confidence of the House.

Unlike the other place, this House requires a much heightened level of trust between members, not just between the Government and the Opposition, but all members and the Presiding Officer. The Presiding Officer cannot rely on a majority of the Government to uphold those rulings, so any rulings made day to day must truly be accepted by all members, or at least an absolute majority, as being fair, reasonable and in accordance with the standing orders. The Presiding Officer in this Chamber requires a much higher standard of behaviour, and a much higher level of confidence is required to be reposed in the holder of that office. Mr Walker's construction would also fail the test in that it would result in an outcome which not only is inconvenient but also, with great respect, is unworkable. I suggest to the Clerk that he not reconsider his ruling because it would lead to such a result.

The next reason I suggest to the Clerk that he not uphold the point of order taken by the Leader of the Government is simply this: The Clerk gave all members advice about his understanding of Standing Order 13. The Government sought and received that advice, as did the Opposition and the crossbench. That advice might be right or it might be incorrect. The decision about that is not one for Mr Walker—Mr Walker acknowledges that it is not one for the courts—it is uniquely one for the Chamber. Like any ruling by a Presiding Officer, it is ultimately a matter for the Chamber to accept that ruling, to set it aside, or to amend it in some way, which I understand is what the Government is seeking to do through the taking of the point of order. But the problem with the Clerk reconsidering his own advice is that the office of the Clerk then becomes embroiled in a controversy before the House—the election of the President—which is the matter that is called into question here.

The appropriate course of action is for the Clerk to leave this matter for the members of the House to determine, as happens with every ruling. The truth is whenever former President Ajaka, the Deputy President or the Assistant President made a ruling, whether good, bad or indifferent, members do not some hours later get to come back and reconsider it. Given the nature of this controversy, it would be one appropriately and fairly left to honourable members to rule on. That is the appropriate course of action for the Clerk in order to preserve the traditions of the House and the impartiality of the office that he holds. He should not uphold the point of order of the Leader of the Government. If Government members wish to then challenge that ruling, it is a matter for them to do so according to the rules, forms and processes of the House. There are more things that I could say but I will conclude by making two points.

The ruling the Clerk made on the meaning of Standing Order 13 was not only his view. If we look at the relevant provisions of the *New South Wales Legislative Council Practice*, edited by Lovelock and Evans, the same meaning emerges from that book. It was the view of this Clerk's predecessor and, in fact, the view of her predecessor, John Evans—the Clerk who, I believe, drafted the Standing Order 13 that we are discussing. I had

occasion to discuss with Mr Evans his understanding of the meaning of Standing Order 13. His understanding was the same as the one that I had gleaned from reading the standing orders and it was the same as the advice of the Clerk. Let us not think that this is some recent invention. The meaning of Standing Order 13 has been the long-held understanding of the Clerk and his two predecessors and the commonly understood meaning of members here. If that is to be challenged, it should be challenged by the Government in the usual way—through a motion and a vote in this place.

I leave members with this thought. Members having voted to express their will with a certain understanding of the meaning of the standing orders, if that meaning is unclear or may not be correct and their understanding may not have been correct, members should have the opportunity to express their will in light of Mr Walker's advice, in the understanding and the knowledge that Mr Walker's advice, or possibly the Crown advice, could be the correct construction of Standing Order 13. This should not be a matter for some narrow technical reading. I say to honourable members it would be unsatisfactory for someone to become President of this Chamber through some *Bush v Gore* technical reading or ruling. A person should become President only through a vote of this House—a clear and unchallengeable vote of this House. If there is a lack of clarity, it should be done by way of a direct vote. The ruling made by the Clerk should stand unless or until it is challenged in the usual way. If it is successfully challenged, obviously the Clerk would adhere to the—

The Hon. Don Harwin: It is being challenged now by way of a point of order.

The Hon. Adam Searle: It should be challenged by way of a vote in the House, if at all. If that is successful, then the Clerk would follow the processes required by the standing orders. If it is not successful and the Government finds that this House does not agree with its proposition—as I believe this House would not agree—then the clear, honourable and required course of action is to call a further ballot, with all members participating in the knowledge that there are varying views about the meaning of the standing orders and casting their vote on that understanding. Those are my—

The Hon. Damien Tudehope: Submissions.

The Hon. Adam Searle: No, that is what I have to say on the matter. Mr Clerk, in your ruling you should not uphold the point of order taken by the Leader of the Government.

Ms Abigail Boyd: To the point of order: On behalf of The Greens, I support the words of the Hon. Adam Searle. The time for taking a point of order or moving dissent was on 24 March. What we have now is a stalling tactic.

The Hon. Don Harwin: It still is 24 March.

Ms Abigail Boyd: Correct, it still is Wednesday 24 March in this place. There was a clear understanding among members when voting as to the interpretation of the standing orders. If we are now being asked to revisit the interpretation, on that new understanding, if they are the rules, if that is the common understanding of how we are going to proceed, then we should be given the opportunity to have another vote. The fact that there is not an affirmative motion calling for a vote is telling that this cleverness around the rules is really designed to subvert the majority will of the House. I personally take great offence to that. The standing orders have been developed to facilitate the orderly running of the House. The particular part of the standing orders we are referring to is to ensure that the House is able to freely decide who is elected the President. It is in that spirit that I ask the House to forget about what happened earlier on this sitting day and instead start afresh and vote again to decide who our President should be.

The Hon. Mark Latham: To the point of order, Mr Returning Officer: This is Australia's oldest parliamentary Chamber. It is a dark and bizarre day indeed because the tactics of the Leader of the Opposition have turned this into the Mad Hatter's tea party. None of this makes any sense at all. We are told that during every single moment in this Chamber we all need to be experts about the standing orders. I am part of a party of two who spend a lot of time on policy, analysing issues and legislation. I work on the assumption that the returning officer and the Clerk would be expert on the standing orders. Two other experts—two legal opinions—very clearly state that the Government Whip has been elected—twice, 20 votes to 14. We then only have to read Standing Order 13. The Leader of the Opposition and Ms Abigail Boyd did not go to the trouble of reading out the relevant standing order. It says:

When 2 members have been proposed as President—

that is what happened—

ballot papers will be distributed by the Clerks to all members in their places—

that happened too—

Members must write on the ballot paper the name of the candidate for whom they wish to vote, and deposit it in the ballot box provided by the Clerk. The candidate who has the greater number of votes is to be declared elected President, and will be conducted to the Chair.

The meaning of the word "vote" there is a "formal vote". It was 20 votes to 14. The Hon. Natasha Maclaren-Jones won that ballot twice by any commonsense reading of Standing Order 13 (2). I am dumbfounded that this was not the interpretation that was given to the Chamber from the very first moment. The Leader of the Opposition, Mr David Shoebridge and a few others thought it would be so clever in this Chamber to get eight fools on the crossbench to vote informally, under the misapprehension that this would deny an absolute majority of the votes and to stall and stall and stall until the Leader of the Opposition could get his way in running the governing party. He cannot win an election so his strategy is, "I will run by remote control by manipulating and rorting the standing orders and procedures of this place." That is what has happened here.

We only have to look around at the Labor Party benches to know the real problem here is not a lack of confidence in Bret Walker or the Crown Solicitor; it is a lack of confidence in the Leader of the Opposition. I refer to yesterday's edition of *The Sydney Morning Herald*. Let me put on the record their views, which might not be said in the Chamber but clearly are the meaning and intent of many of the Opposition members. In an article in *The Sydney Morning Herald* one of them said:

This should end it now. We need to get back to work. This is indicative of Labor in opposition, it just can't get the issues right.

It cannot get the issues right because its tactics are all wrong.

The Hon. Penny Sharpe: Point of order: This is clearly not relevant to the point of order that is being debated. It is abuse by verballing other members and quoting from unsourced newspaper articles. This is clearly not relevant to what is being discussed about a very serious matter. It is very disappointing that the member has chosen to do that rather than stick to the points that he wishes to make, which we are very happy to hear. He should be able to put them forward without ignoring the rest of the standing orders.

The Hon. Mark Latham: This is the neo-feminist who voted for the man and who has lectured us time after time about misogyny and sexism and all these things. Fancy her taking a point of order.

The Hon. Penny Sharpe: To the point of order: The member is now being abusive. He is also ignoring that you, Mr Clerk, are to rule on my point of order and is completely disregarding the rules of the Chamber.

The CLERK: I am extremely reluctant to constrain any member in the scope of the debate and their contributions to the debate, particularly as the debate is effectively about a ruling that I had made previously. I remind members that all contributions should be relevant to the debate.

The Hon. Mark Latham: Thank you, Mr Returning Officer. Another Labor member said, "The problem is we tried to be too smart by half and it has backfired." That is a legitimate view of a member of this place, who is bound by their caucus, who thinks this tactic has totally backfired. And backfired it has. It has backfired in spectacular fashion. Wouldn't you think a fighting Opposition would be interested in issues in the upper Hunter and try to get an extra seat in the Legislative Assembly? Instead they are bogged down by the stubbornness of someone who cannot concede he has made a mistake. He has been caught out by two legal advices. The standing orders are very clear: A majority of votes, meaning formal votes, have gone the way of the Hon. Natasha Maclaren-Jones. Neville Wran once sat in that chair, and if Neville Wran were here today, he would have very clear advice: When you are in a hole, stop digging. Stop digging deeper and deeper and deeper into the abyss of turning this Chamber into an absolute fiasco.

You, Mr Returning Officer, took the advice from Bret Walker. You paid for the advice using the resources of this Chamber and this Parliament. It was advice that was meant to settle this matter, not to be turned around with the sophistry of the Leader of the Opposition, with legal technicalities and arguing around the maypole until he has totally spun out. It was an advice that was designed to settle the matter. The Crown Solicitor had said the Hon. Natasha Maclaren-Jones had won and won she did, and then we get the second advice that says the same thing. Then you read the standing orders, which are crystal clear that the majority of votes has gone the way 20-14 and the member has been elected not once but twice.

So what was the point of commissioning Bret Walker and of paying a QC, I would imagine, at a good coin on a daily rate to then say in this Chamber, "We're not interested in the legal advice and the definitive finding. We're not actually interested in Standing Order 13 (2). What we're interested in here is perpetuating the failed, bizarre, wacky strategy of the Leader of the Opposition"? If you can convince some people on the crossbench to vote informal and throw their vote away—elected here to this place, but then throw your vote away twice—somehow that is a legitimate tactic. No, these Labor members in *The Sydney Morning Herald* are 100 per cent correct, and I wish they could stand up and say it in this Chamber. If they did, you would know the truth that the problem here is not the standing orders; it is not the Crown Solicitor; it is not Bret Walker. It is the Leader of the

Opposition in this place who has engaged in a strategy where he cannot concede his mistake, and what a mistake it is to bring shame and dismay to this parliamentary chamber.

We face the possibility of throwing away a third day of sitting time of fighting the Opposition, supposedly; throwing away a third day of sitting time when they have a by-election on their hands—a hapless candidate up there. But surely you need some help here in the Legislative Council. So this is a dark and dismal day for this old Chamber, and I strongly urge you, Mr Returning Officer, to put an end to the fiasco and put an end to the farce by following the advice from Bret Walker that you commissioned by adopting and following Standing Order 13 (2), which is as plain as the nose on your face. If you do not do that, Mr Returning Officer, it just continues the farce. There has to be a time where you say to the Hon. Adam Searle and Mr David Shoebridge, "You are wrong. You are wrong in the interpretation and the things you are trying to do to this Chamber." We know it is wrong, and that should be the ruling.

Mr Justin Field: To the point of order: The Hon. Mark Latham's arguments today would have more currency and credibility if he had made them a few weeks ago, but that was not the case. It is reasonable to suggest that all members were operating under an assumption about the standing orders and what the standing orders meant, because if other members thought otherwise, they would have had something to say on that day. As the Leader of the Opposition outlined, they had not one chance to say it but two chances to say it. Of course, it was not until very late in the day when the Government stumbled across an alternative reading and tried to use that. So if there has been some gamesmanship here, I think it is fair to say it has been played on both sides. But we should rely on the advice. The advice is very useful.

The advice also makes clear that operationalisation of the rules in terms of the stability of the House is not the concern of Mr Bret Walker but our concern, and we should take that advice seriously. It is in the interests of the next President, whoever that may be, that they have the support of the majority of the House. Based on the advice of Mr Walker and how we know the count would be conducted now given that advice, let us have another vote so that the next President can have the support of the majority of the House and we can have stability in this House to move forward and conduct the business that so many members want to do.

The Hon. Catherine Cusack: To the point of order: Members in the gallery can hardly hear what is being said in the Chamber, and I would just draw that to your attention and seek your assistance. It is a very important debate. I heard very little of what the Hon. Adam Searle had to say.

The CLERK: I will ensure the microphones are on, and I also ask members who are speaking from the lectern to ensure they speak loudly.

The Hon. Damien Tudehope: To the point of order: Mr Clerk, I know this place has you in a very difficult position and I have every confidence in you as the Clerk. Members on this side of the House certainly respect the decisions and advice that you generally give. However, I do say in this case that it is clear the ruling that you made on the date of 24 March, which continues today and on which the error continues until today, is made palpable by the advice provided to you by Bret Walker, SC. The reality is that—and the Hon. Mark Latham is right in relation to that—this was advice not sought on behalf of the House; it was advice sought by you in your position as the Clerk, given that you were apprised of a determination by or an advice provided by the Crown Solicitor, which in fact called into question the interpretation that you had afforded to Standing Order 13. The process was that you wanted to satisfy yourself that the decision that you had arrived at was correct. The advice of the Crown Solicitor to you is that your decision was wrong.

In those circumstances, Mr Clerk, the point of order now being taken by the Leader of the Government is affording you the opportunity of saying, "On the advice that I have received, the decision that I made previously was in error and I adopt the advice by Mr Bret Walker that I received." That is the only fair way of understanding the processes that this has gone through. An election was held on two occasions and the majority of votes were in favour of one candidate, not in favour of the other, and there were eight informal votes. In your position as the Clerk—and in your position as the current Acting President of the House, if I can use that expression—your advice was that you had formed the view that you need a majority of the votes on the floor. If you continue to adhere to that advice, then it is you taking a position that your position remains correct.

It has to be difficult to ascertain why you would obtain advice if in fact you get the advice provided to you, not to the House—and I acknowledge and accept that you have circulated that advice to every member of the House. You submitted it to every member of the House so that they could understand that you would in fact be making a decision that would change the previous ruling you made, based on two advices that had been provided to you. To put that back to the House means that you say, "It is not for me to decide." Well, it is for you to decide, in my respectful submission. It is for you to decide because it was your decision earlier to interpret the standing orders the way that you did. Having now received the advice, it is your decision to accept that advice and say, "The advice I received was in error."

Let me point out why you should adopt that position, because to not adopt that position reaffirms, in many respects, the inconsistency that exists in Standing Order 13. If you do not change that decision in accordance with the advice, we could leave this place in circumstances where in two years' time we still may not have a President because the glaring inconsistency between the two provisions may mean that if the voting pattern remains the same we will never get a result. It was never the intention of the standing order that this House could be paralysed. That is the effect of the Clerk's ruling, which in many respects is corrected by the advice of Bret Walker. You cannot have a circumstance where the House remains paralysed.

Mr David Shoebridge: Have a vote.

The Hon. Mark Latham: Have a vote.

The Hon. Damien Tudehope: The answer to those who say, "Have a vote," is that we have had two votes, and eight people chose not to vote. They could have, in effect, nominated a third candidate. In my submission, that would have activated Standing Order 13 (3), and its intent would have been given effect to. Electing not to nominate a third candidate and not to vote at all indicates the members' intention to not want their vote to count. That is what Bret Walker's advice is predicated on. He comes to you and says that a ruling that would, in fact, set in concrete a position where potentially you could never reach a decision if the eight members continue to vote informally means that this House is continually paralysed and can never reach a position where a President is elected.

Mr Clerk, I have the utmost respect for your ruling. I think it is palpably wrong. The Opposition had the opportunity to provide you with alternative advice. Only two pieces of advice are before this Chamber today. Both of them say that your previous ruling was wrong. The opportunity to obtain alternative advice is available to every member of this place. There are only two pieces of advice, and it is categorically clear that the decision that the majority of the votes of the members present are required when eight of those members elected twice to cast no vote means that you would in fact be counting as votes people who elected not to vote. I think it is eminently clear that you should in your capacity as the Clerk reverse the decision you made, not on the instruction of the House but because it is your responsibility as the Clerk to form a view. In my submission, based on the advice you received, your view was wrong, and you ought to correct that decision.

Mr David Shoebridge: To the point of order: This debate has gone on long enough. I will not repeat the contributions of my colleague Ms Abigail Boyd, which I endorse. I will not repeat the contributions of the Leader of the Opposition, which I also endorse. I make one further point about the procedural matter before the House. Mr Clerk, the Government is asking you, as Presiding Officer, effectively in the position of President, to revisit an earlier determination without putting a dissent motion or a positive motion on the table for determination by the House. I suggest that puts you in an impossible situation. Consistent with precedent, if a Presiding Officer has made a determination—in the same way that a court or another administrative officer makes a determination—you are then what is known in the court as "functus officio". Effectively, having made your decision, your role is concluded.

If you allow constant revisitation, without formal motion, dissent or an appropriate appeal process, there will never be any finality in decisions. Consistent with precedent, it is my understanding that a President would revisit a decision or ruling only with the concurrence of the entire House, almost effectively by leave. It is grossly inappropriate to ask the Clerk to deviate from that precedent. It is grossly inappropriate to not have the courage to put forward a positive motion and, instead, try to have the Clerk revisit a finding. It should be tested on the floor. We should have a vote and see who has majority support to be President.

The Hon. Robert Borsak: To the point of order: Mr Clerk, I have listened to the arguments and I have read the legal advice. From where I sit on the crossbench, I support the position of the Leader of the Opposition. It is important that this House is its own master. The House will decide if it has confidence in whoever is elected as President. We must always remember that if at any point in any debate a person elected to that office loses the confidence of the House, a dissent motion could be put and that person potentially removed. If we are talking about the stability of the House and of that office, that is where it lies. If we want to maintain long-term stability of this House, we must follow the precedent that every vote counts. The fact that some members may not have cast a ballot in relation to one of the nominated members does not mean that a ballot and a vote was not cast. On that basis, the Shooters, Fishers and Farmers Party takes the view—as I believe the Opposition, the Animal Justice Party and Mr Justin Field do, and certainly The Greens do—that this needs to be tested again on the floor of the House.

The Hon. Damien Tudehope: Further to the point of order: Mr Clerk, Mr David Shoebridge submitted that you are somehow functus officio in relation to this matter. If you were functus officio, we would not be having this debate; the issue would be decided, and we would have a President sitting in the chair. I put to you that your

role continues. I submit to you that the very fact that you continue to sit in your position makes you absolutely not functus officio in relation to this issue.

The Hon. Adam Searle: Further to the point of order: The point made by the Leader of the House is, perhaps unintentionally, misleading. Mr Clerk, you remain in charge with the responsibility of presiding over the election of President, but in relation to the decision about whether there was, in fact, an outcome of the ballot and a successful candidate, you had to make a ruling on that particular matter, and you did so twice. In relation to that decision about whether there was an outcome of the ballot that you could declare, in my submission you are functus officio.

The Hon. Damien Tudehope: Further to the point of order: Mr Clerk, it begs the obvious question: Why get the advice? If, in fact, you considered yourself functus officio in relation to this issue, the reality is that you obtained advice to ascertain whether you were correct in that decision. That is inconsistent with a person who considers themselves functus officio.

The Hon. Adam Searle: Further to the point of order: Mr Clerk, I take up a matter that was raised earlier in debate. I do not believe that you necessarily obtained that advice in a personal capacity. You are the custodian of the traditions of the House. The advice was made available to all members of the House. There being a controversy about the meaning of Standing Order 13 raised by the Crown advice, you took the step of getting further advice, presumably in connection with the conduct of a future ballot.

The CLERK: This is a serious and difficult matter, and I am only too conscious of the serious and appropriate manner in which the contribution of the Leader of the Government was framed. Following the ballots for the election of President on 24 March I stated, and in effect ruled, that I could not declare either of the candidates elected as they did not—based on my interpretation of Standing Order 13 and what I understood to be the interpretation of Standing Order 13 shared by a majority of members—receive a majority of votes of the members present. Today I note the apparent absence of consensus or concurrence from members with the course of action urged on me by the Leader of the Government. In the absence of such concurrence, I believe that in order to revoke or vacate my 24 March rulings and to make the declaration now sought by the Leader of the Government the House would need to dissent from those rulings of 24 March.

The Hon. Don Harwin: In that case, to enable the Government to consider its position I suggest that you do now leave the chair until the ringing of a long bell for the convenience of honourable members.

The Hon. Adam Searle: Point of order: We have twice gone on a long bell of an indeterminate length. On one of the previous occasions, when the Leader of the Government deigned to contact me to indicate that the House would not be resuming on a given day, I subsequently learnt that the Government had released its members from attendance at this place an hour earlier than the phone call I received. It is not good enough for members not to know whether or when they will be returning to this Chamber—whether it be today, tomorrow or some other time. If he wishes to propose this course of action the Leader of the Government should indicate to members—and the members of the public, who rightly expect elected members of this House to be quickly resolving this matter and returning to their duties and the business that this House wishes to transact—either that this House will be resuming at, say, 6.00 p.m. today or at 10.00 a.m. tomorrow, but to name a certain time and date.

The Hon. Don Harwin: To the point of order: I hear what the honourable member says. Referring to the observation he made about releasing Government members it is not my recollection that that is in fact the case, but I will not debate that point now. The Clerk has said things in the ruling that he has made. It is appropriate that there is a pause so that Government members can converse amongst themselves and determine whether they are prepared to take the serious step of moving a motion to dissent from the Clerk's ruling, which none of us do easily, given the high regard in which we hold him.

I cannot predict how long it will take to do that. Government members would also want to reserve the opportunity to get the views of crossbench members as to that course of action. However, my expectation is that by 6.00 p.m. there would be either a concluded view or a view that an outcome could not be reached tonight. I give this undertaking to the House: The Leader of the Opposition will know by 6.00 p.m. whether the Government will be in a position to suggest to him and, after agreement, to the Clerk that the House should resume at some point today.

The Hon. Adam Searle: To the point of order: Although in the upper House it remains 24 March 2021, in the real world five weeks have elapsed. The Government has had ample time to consider whether or not it has confidence in the ruling made by the Clerk. I accept that it has taken the point of order, and that point of order has not been upheld. On the two previous occasions, the Government chose not to challenge your ruling. It has had five weeks to consider whether it is proposing now to do so.

The Hon. Don Harwin: We have not had five weeks; we have had only six days since Bret Walker gave his advice. It is misleading the House to use the term "five weeks".

The Hon. Adam Searle: I acknowledge that interjection. Of course, the Leader of the Government can address the matter again if he wishes. But I believe that this House should draw this matter to a conclusion. I acknowledge that the Leader of the Government said he will inform us by 6.00 p.m. As that is a long way away I ask him to bring that forward to an earlier time. The Government should know well what its course of action is now. If it is not going to challenge the ruling, let us now proceed to a further election. There being no point of order—the point of order having not been upheld—and there being no dissent motion, there is no good reason why the Clerk should not now call for nominations for the position of President.

The CLERK: Does any other member wish to address the point of order?

The Hon. Mark Latham: To the point of order: Mr Returning Officer—

The Hon. Don Harwin: With respect, it is not a point of order. In the normal way in which this matter is being conducted he should either put it or put something else.

The Hon. Mark Latham: Mr Returning Officer—

The CLERK: One moment, Mr Latham. Addressing the Leader of the Government, I will rule on Mr Adam Searle's point of order very shortly. As Mr Mark Latham has sought the call I will give him the call.

The Hon. Mark Latham: To the point of order: I think the Chamber would be well advised indeed to end this farce as quickly as possible. To that extent, I agree with the Leader of the Opposition that the Government has had six weeks to establish that, if the returning officer stood by his earlier position, it would need a response. It is not just for the Government to respond; I will move the dissent motion. I think the ruling is wrong. Why is it just left to the Government to be able to dissent from a ruling that is deemed to be incorrect?

The truth is that the people of New South Wales—as much as they are aware of the proceedings here, or if they knew of these proceedings—would be laughing at us in dismay. This Chamber threw away two full sitting days in March and it has now absorbed seemingly over an hour—and more to come—of sitting time when, in the electorate of Upper Hunter, people would want a debate about the Singleton bypass, Muswellbrook Hospital, the quality of roads and land-clearing rights for farmers—a list as long as one's arm. There are other issues on members' agendas on which they want to move forward. I can think of 15,000 jobs in the Illawarra, contingent upon my motion for South32 coking coal mine approval—and the list goes on and on. Should we not be a Chamber transacting business and end this farce right now?

I have great sympathy for the Clerk who is the meat in the sandwich. I make the observation that he had a chance to jump out of the two slices of bread by adopting the advice of Bret Walker. But that having been rejected, I will move the dissent motion because we do not have time to spare. The idea is that we will come back at 6.00 p.m. and then have another ballot. I will move the dissent motion here and now so we can get on with the business of determining whether the Chamber believes that the ruling is correct or incorrect and, if need be, electing a President.

The CLERK: There is no point of order, although I note the constructive outcome from the discussion in that a more precise time has been flagged. To suit the convenience of members I will now leave the chair until the ringing of a long bell.

[The Clerk left the chair at 15:28. The House resumed at 18:56.]

Election

The Hon. DON HARWIN: The Clerk has received written advice from Mr Bret Walker on the requirements for the election of the President where two candidates are proposed. Mr Walker has stated that it is not necessary for the candidate who receives the greater number of votes also to receive votes amounting to those of a majority of the members present. Accordingly, Mr Walker has stated that both ballots held on 24 March 2021 have resulted in the Hon. Natasha Maclaren-Jones being elected as President with 20 votes out of 34 votes cast.

Standing orders 12, 13 and 14 provide that the person elected President is to be conducted to the chair. I remind the House that the standing orders are binding and have the force of law according to section 15 of the New South Wales Constitution. While the House may amend the standing orders in accordance with the procedures set out therein, it may not arbitrarily depart from them. In a democracy, the rule of law must prevail. Accordingly, the Hon. Natasha Maclaren-Jones should be conducted to the chair.

The Hon. Natasha Maclaren-Jones was taken out of her place by the Hon. Bronnie Taylor and the Hon. Scott Farlow and conducted to the chair.

The Hon. Tara Moriarty: This is a disgrace. A coup of the upper House. Shame on you!

Mr David Shoebridge: Worst coup!

The Hon. NATASHA MACLAREN-JONES: I convey to honourable members my deep consciousness of the honour that this House has conferred upon me in choosing me as its independent and impartial President. I express my profound thanks and gratitude for the confidence that is reposed in me.

Removal

The Hon. ADAM SEARLE (18:58): I move:

Under Standing Order 77 as a matter of privilege suddenly arising:

That:

- (1) The taking of the chair by the Hon. Natasha Maclaren-Jones is disorderly, as she has not been declared elected as President as required under Standing Order 13 (2);
- (2) This House does not have confidence in the Hon. Natasha Maclaren-Jones as President; and
- (3) The Hon. Natasha Maclaren-Jones be removed from the chair.

The Hon. NATASHA MACLAREN-JONES: Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of our State and Australia. Our Father, which art in Heaven: Hallowed be Thy Name, Thy Kingdom Come. Thy will be done in earth, as it is in Heaven.

Mr David Shoebridge: This is the world's worst coup.

The Hon. NATASHA MACLAREN-JONES: Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us.

The Hon. ADAM SEARLE: Mr Clerk, you are still presiding over this proceeding.

The Hon. NATASHA MACLAREN-JONES: And lead us not into temptation; but deliver us from evil—

The Hon. ADAM SEARLE: Mr Clerk, you have not declared any person elected, as required under paragraphs (2) and (3) of Standing Order 13.

The Hon. NATASHA MACLAREN-JONES: For Thine is the kingdom, and the power, and the glory, for ever and ever, Amen.

The Hon. ADAM SEARLE: This is a disorderly proceeding. It is a contempt of this House. I have moved a motion.

The Hon. NATASHA MACLAREN-JONES: I acknowledge the Gadigal people of the Eora nation and its Elders and thank them for the custodianship of this land.

The Hon. ADAM SEARLE: Mr Chair?

The Hon. NATASHA MACLAREN-JONES: I call the Leader of the Government.

The Hon. DON HARWIN: Madam President—

The Hon. ADAM SEARLE: Madam President, I move—

[Government members interjected.]

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. ADAM SEARLE: Madam President, I again move:

Under Standing Order 77—

The Hon. Mark Latham: You said, "Madam President"!

The Hon. ADAM SEARLE: Well, purported Madam President. No, I do not make any concession. This is a disorderly proceeding. The Clerk has not declared anyone elected. I again move:

Under Standing Order 77 as a matter of privilege suddenly arising:

That:

- (1) The taking of the chair by the Hon. Natasha Maclaren-Jones is disorderly, as she has not been declared elected as President as required under Standing Order 13 (2);
- (2) This House does not have confidence in the Hon. Natasha Maclaren-Jones as President; and

(3) The Hon. Natasha Maclaren-Jones be removed from the chair.

I have moved that motion. Debate—

The Hon. Damien Tudehope: Are you seeking leave?

The Hon. ADAM SEARLE: No, I have moved that motion.

Mr David Shoebridge: It is a matter of privilege.

The Hon. ADAM SEARLE: It is a matter of privilege suddenly arising.

Mr David Shoebridge: It is as of right as a matter of privilege.

The Hon. Don Harwin: Are you going to speak on it?

The Hon. ADAM SEARLE: I am going to speak.

The Hon. Don Harwin: Good.

The Hon. ADAM SEARLE: I assume that I am not going to be interrupted.

The Hon. NATASHA MACLAREN-JONES: I ask the member to take his seat for the moment. I shall confer with the Clerk.

Mr David Shoebridge: Do you want to be President tomorrow, Mark? Just walk up.

The Hon. Penny Sharpe: You were too slow. You should have got up.

Mr David Shoebridge: This is the poor person's version of Napoleon's self—

The Hon. NATASHA MACLAREN-JONES: Order!

Mr David Shoebridge: It is ridiculous.

The Hon. NATASHA MACLAREN-JONES: Order! Order!

Opposition Members and Crossbench Members: You have no authority! You have no authority! You have no authority! You have no authority! You have no authority! You have no authority!

The Hon. NATASHA MACLAREN-JONES: Order! Order!

Opposition Members and Crossbench Members: You have no authority! You have no authority! You are not the President! You have no authority!

The Hon. NATASHA MACLAREN-JONES: Order! I call this House to order!

The Hon. ADAM SEARLE: Mr Clerk, I seek the call.

Opposition Members and Crossbench Members: You have no authority! You are not the President! You have no authority in this House! We do not recognise you as the Chair!

The Hon. NATASHA MACLAREN-JONES: Order! I call this House to order! I ask the Hon. Peter Primrose to resume his seat immediately.

The Hon. Penny Sharpe: No! What are you going to do? You are not elected.

The Hon. NATASHA MACLAREN-JONES: Order! I am trying to give the call to your leader. Take your seat!

The Hon. Peter Primrose: You are not the President!

The Hon. Mark Buttigieg: You cannot give the call; you are not the President.

The Hon. Peter Primrose: You are not the President. You are bringing this House into disrepute.

The Hon. NATASHA MACLAREN-JONES: Order! Order!

The Hon. Peter Primrose: You are bringing this House into disrepute, and that is certainly what the Hon. Damien Tudehope has done.

The Hon. ADAM SEARLE: Mr Clerk, I have the call.

The Hon. Don Harwin: I think there is a motion before the Chair.

The Hon. ADAM SEARLE: There is a motion before the Chair. I will read it out once more so we are all clear on what it is. I have moved:

Under Standing Order 77 as a matter of privilege suddenly arising:

That:

- (1) The taking of the chair by the Hon. Natasha Maclaren-Jones is disorderly, as she has not been declared elected as President as required under Standing Order 13 (2);
- (2) This House does not have confidence in the Hon. Natasha Maclaren-Jones as President; and
- (3) The Hon. Natasha Maclaren-Jones be removed from the chair.

I move that motion most regrettably because this Government has come into the Chamber today and has said the standing orders are binding and must be followed as a matter of law. Everybody in this Chamber knows that the meaning of the standing orders is to be pronounced by the Chair—whoever the Chair happens to be—and if this House does not like that or if any member does not like or accept that, the appropriate course is to move dissent in the Chair. That has not happened on three occasions. There were the two occasions of the ballots when the Clerk declared that he was unable to declare anyone elected. No-one took the point of order. No-one disputed the correctness of that. Today—which is later on 24 March—when the Clerk was invited to reconsider his ruling, he said very clearly that he was unable to reconsider his ruling unless there was concurrence in the House. He did not reconsider his ruling. The appropriate course for the Government, if the Government wished to dispute that, was to move a dissent motion. It did not do so then.

The Hon. Mark Latham: I had wanted to.

The Hon. ADAM SEARLE: I acknowledge the interjection of the Hon. Mark Latham. He wanted to, but he did not get the call in time, and he still has not on the resumption of this House.

The Hon. Mark Latham: I could not get a word in!

The Hon. ADAM SEARLE: The Government has said we must follow the standing orders because they are binding in law. The point is the Clerk did not declare the Hon. Natasha Maclaren-Jones elected President. The Clerk has not declared anybody elected President. The Clerk has said he was unable to declare any person elected based on the ballots cast. The appropriate course is for this House to proceed to a further ballot of members to ascertain the will of this House. Today the Government has participated in the Hon. Natasha Maclaren-Jones sitting herself in the chair unlawfully and without the support of this House. This is an extremely low point of the history of this House. It is a shame on all the Government members who have participated in this usurpation of the rights of this House.

The Hon. NATASHA MACLAREN-JONES: The member will come to order. He will speak to the motion before the House.

The Hon. ADAM SEARLE: No-one should sit in that chair unless they have been duly declared elected by the Clerk, as required by the standing orders. No person has been declared elected. The Hon. Natasha Maclaren-Jones has certainly not been declared elected.

The Hon. Penny Sharpe: Point of order: There is too much interjection. We are dealing with a very serious matter. I ask you to call the House to order.

The Hon. NATASHA MACLAREN-JONES: I uphold the point of order. I ask all members to allow the Leader of the Opposition the opportunity to speak.

The Hon. ADAM SEARLE: No person can take the chair unless they have been declared elected by the Clerk. If the contention of the Government is that the Clerk should have declared someone elected, that is the motion that should be before this House—either a dissent in the Chair's ruling or a positive motion that the Clerk declared her elected as, for example, set out in the advice of Bret Walker. But the Government has not chosen that course of action. Why? Because it knows that no matter how much it tries to dress it up, this House has not elected the Hon. Natasha Maclaren-Jones as President. She does not have the confidence of this House. The point is that no person can sit in that chair and uphold the best traditions of this House and maintain order unless they have the confidence of this House—the acceptance of the House that they are the rightfully and duly elected President of this Chamber. What we have seen here is a stealing of the chair without being declared elected.

The Hon. Mark Buttigieg: Shame!

Mr David Shoebridge: The world's worst coup.

The Hon. ADAM SEARLE: How on earth can you think that this is the right thing to do when there has been no declaration that she has won? Even if Mr Walker's advice was correct, as the Government maintains, the appropriate course of action would have been to move dissent or to move a positive motion that Mr Walker's advice was correct. The Government knows that it is a matter for this House to uphold or to set aside the rulings of any Presiding Officer, including that of the Clerk. This is a low point. Shame on the Leader of the Government

and the Leader of the House for participating in this. Shame on the Hon. Natasha Maclaren-Jones for stealing the chair in this shameful manner. Shame on all those opposite who have participated and connived in this shoddy arrangement. Let us put this to an end, let us vote on this motion and let us have a ballot for President.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (19:07): Madam President, the Government has made clear what the position is at law. Our strong view is that you are the President and you are entitled to be in the chair. You will be an adornment to the chair. I know through the service you have given this Chamber over a long period what an excellent Chair you will be. I refer honourable members to the remarks that I made earlier in the day. The situation is that you should proceed in the chair.

The Hon. John Graham: You should have done your job—to object at the time.

The Hon. DON HARWIN: There is no cause to say that there is no confidence in your capacity to do the role of the Chair and therefore at the time you should have objected.

The Hon. John Graham: You did not do your job. That is why you are doing this now. You were sitting there not doing your job—

The Hon. Tara Moriarty: Setting her up to fail.

The Hon. Mark Buttigieg: You have stolen the chair.

The Hon. NATASHA MACLAREN-JONES: I call the Hon. John Graham to order.

The Hon. Sarah Mitchell: Point of order: Madam President, there are far too many interjections coming from the Opposition bench. The Leader of the Opposition was heard in silence. The same respect should be given to the Leader of the Government.

The Hon. NATASHA MACLAREN-JONES: I remind all members that interjections are disorderly at all times.

The Hon. DON HARWIN: Madam President, there is no basis, in my view, for your removal. Therefore, Government members will be supporting your continuation in office and voting against this motion.

Mr DAVID SHOEBRIDGE (19:09): I move:

That the question be amended by inserting at the end:

"(4) That the Clerk proceed to a fresh election and call for nominations."

Because I do not recognise the person currently in the chair, I do not believe this debate should be overly long and we should immediately get to a position where we have a President who has the support of the majority of members of the House.

The Hon. MARK LATHAM (19:10): Madam President, I join with the Leader of the Opposition in referring to you as "Madam President" and I congratulate you on assuming the chair, as you should having won the ballot twice with 20 votes to 14.

Mr David Shoebridge: This is the world's shortest and worst coup.

The Hon. MARK LATHAM: It is curious to hear from the likes of Mr David Shoebridge and Ms Abigail Boyd. They voted informally and thought that there was a person "informal" who could occupy the chair and preside in this Chamber. The great informal vote speaks out. The informal vote who could not manage to write down a surname now wishes to lecture us as to the best interests of the Chamber. Voting informally does not give those members credibility in the Chamber. You lecture us about misogyny and then vote informally instead of voting for a woman. You have no credibility. Madam President, Standing Order 13 (2) makes it clear that you won the ballot twice because you won a majority of the formal vote. If anyone was foolish enough to vote informally then that is their problem. We cannot be held hostage by people so illiterate that they could not write a surname. If they were seduced into it or there is coercive control where they were made to vote informally by a man, we cannot be held responsible for that.

We have to deal with the reality that there were two ballots and on the formal vote you, Madam President, won on both occasions. That is a fine achievement on your part and the Chamber should recognise that and support it. There are two legal opinions to the effect that you won the ballot: one from the Crown Solicitor and another from Bret Walker, SC. No-one would say that Mr Walker is a Tory or has a political bias leaning right of centre. He was commissioned by the Clerk and paid by this Parliament to produce the advice. Why would we not follow the advice given by Mr Bret Walker, SC? All those facts together—numerical and legal—are clear. I applaud you for taking the direct action of assuming the chair when the Chamber itself was a shambles. Earlier I referred to

the situation as the Mad Hatter's tea party but that turns out to have been an insult to the Mad Hatter, given what we have seen this evening.

You have won the ballot twice. The counterproposition has been dressed up as legalism, points of order and screeching. The Opposition is trying to use its numbers to govern for the governing party. The unique proposition by the Labor Party and The Greens is that they are not in government but they will decide for the Government who will come forward. Realistically, the choice before the Chamber is Maclaren-Jones versus Mason-Cox. It is the battle of the Liberal hyphens. I want to know what the Labor Party has against people with a single-barrel surname. Has the Labor Party become so elite and so out of touch that it is only going to support a Maclaren-Jones with a hyphen or a Mason-Cox with a hyphen? A poor old simple Farlow is left out. A poor old simple Martin is left out, or a Ward, or a Mallard. These poor humble working-type names with a single barrel do not rank in a modern Labor Party that has joined the ruling elites. It has come down to a Maclaren-Jones versus a Mason-Cox. Madam President, I voted for you.

The Hon. John Graham: They are hard names to write on the ballot paper.

The Hon. MARK LATHAM: That is the other problem: declining literacy standards. The Hon. John Graham has admitted that he found it hard to write two names joined by a hyphen on the ballot paper. He must have sympathy for the simpletons in The Greens and the Animal Justice Party who could not write anything and left it blank. Madam President, I congratulate you on your elevation to high office. I voted for you twice and I support you. In relation to the other hyphenated name, I quite like Matthew as well. I do not see any great difference. Earlier in the day it was put to me that the Labor Party used to fight for the light on the hill—for building the New Jerusalem. Now the hill they are trying to contest is a contest between one Liberal Party member and a different Liberal Party member to be the President in this place. How the mighty have fallen. They are now fighting over hyphen versus hyphen.

The Hon. Tara Moriarty: Are you part of the Liberal Party now?

The Hon. MARK LATHAM: I am at least voting for someone. I am not part of a scam where eight people are convinced to vote informally. Your party is trying to contest the by-election in the Upper Hunter. Your leader's reputation is at stake and your party's credibility is at stake and yet you are interested in this amazing, absorbing contest between one Liberal against another Liberal. Labor's position is to forget about the light on the hill and forget about the New Jerusalem and instead to contest the fight on the hill between one Liberal and another. What can you say about the Australian Labor Party and this bizarre tactic? Members in this place, such as myself, who know both of the members in question regard them as people of honour and credibility who would do a decent job in the President's chair. The reality is that Madam President is the one who contested it twice and the legal advice and the standing orders show—

The Hon. Anthony D'Adam: Do you believe in anything, Mark?

The Hon. NATASHA MACLAREN-JONES: Order! I remind the member to speak to the motion.

The Hon. MARK LATHAM: Listen, mate, your ideological confusion—

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. MARK LATHAM: —leaves you ill-equipped to comment on anything.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. Anthony D'Adam: You're an opportunist.

The Hon. MARK LATHAM: You spent two days attacking parents who love their children.

The Hon. NATASHA MACLAREN-JONES: Order! The Hon. Mark Latham will resume his seat.

The Hon. MARK LATHAM: That is how warped you are in your thinking—attacking parents who love their kids.

The Hon. Anthony D'Adam: You believe in nothing.

The Hon. Adam Searle: He is not recognising her either.

The Hon. NATASHA MACLAREN-JONES: Order! All members will conduct themselves with decorum in this debate. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: I am sorry, Madam President. I was distracted by the parent-hater-in-chief over there.

The Hon. Anthony D'Adam: At least I'm not a fascist.

The Hon. MARK LATHAM: You have done the right thing to take the chair. You have won the ballot twice and the two legal opinions confirm that. For the Labor Party to be now engaged in a ridiculous circus and fiasco of pitting one Liberal against another and saying this is the legitimate role of the Opposition and having induced members on the crossbench to vote informally, you can only conclude, "More fool them." Shame on the people who have orchestrated this to the embarrassment of the Chamber, taking up valuable debating and legislative time. If the people of New South Wales are tuned in to the proceedings mustered by the Leader of the Opposition and the leader of The Greens, they will be thoroughly ashamed of this Chamber. The fiasco should end. You should occupy the chair and we should get on with the business of the day. Congratulations.

Reverend the Hon. FRED NILE (19:17): Madam President, I place on record my support for the comments made by the Hon. Mark Latham. I will not repeat what has been said but will add that I have voted for you twice and I believe that is sufficient to establish you as the President of the New South Wales Legislative Council. I strongly condemn the Leader of the Opposition and his supporters for these tactics. I have never seen them employed before in nearly 40 years in this upper House. It has made this upper House a joke. I find their actions offensive. They have no respect for the Legislative Council and they should desist and change their attitude forthwith. I am pleased to support you in the chair.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (19:18): Thank you, Madam President. I make a brief contribution and congratulate you on taking the chair. You are the rightful person for the chair, according to two different pieces of legal advice. I think the behaviour displayed in this Chamber when you took the chair—which included shouting, carrying on and physical gestures—was absolutely appalling and not befitting the members of Parliament in this place. We are here to represent the people of New South Wales. We have someone who is now sitting in the chair—

The Hon. Anthony D'Adam: They elected a non-government majority in the upper House. Don't give us that rot.

The Hon. NATASHA MACLAREN-JONES: I call the Hon. Anthony D'Adam to order for the first time.

The Hon. BRONNIE TAYLOR: Quite frankly, she had to sit here and listen to accusations made about her competency by the Leader of the Opposition.

The Hon. Adam Searle: Point of order: I have never questioned the competency of the Hon. Natasha Maclaren-Jones. In none of my contributions in this place have I done so. That is an attack on a member otherwise than by substantive motion and the Minister should withdraw it.

Reverend the Hon. Fred Nile: By your actions.

The Hon. BRONNIE TAYLOR: To the point of order: Madam President, when I was listening to the honourable member's contribution earlier in the afternoon there were comments made about your suitability for the chair and about whether you were up to the job.

The Hon. Adam Searle: To the point of order: That is totally untrue. I did not say that.

The Hon. NATASHA MACLAREN-JONES: This is to the same point of order?

The Hon. Adam Searle: It is the same point of order. The Minister has just doubled down on her accusation other than by substantive motion. I said no such thing.

The Hon. NATASHA MACLAREN-JONES: I do not uphold the point of order but I remind all members that during debates quite often things are said, but the Leader of the Opposition has indicated that that was not his intent. The Minister will please continue.

The Hon. BRONNIE TAYLOR: Thank you very much, Madam President. I look forward to the vision coming of people yelling and pointing at you after you took your rightful position in the chair and I would say that it would be a very, very sad day indeed if there was a motion to remove a female President from this Chamber—a female President who has the right to be there, who has shown her professionalism throughout her time in this Chamber and who is very worthy to sit in that place. As the Hon. Mark Latham said, to what? To be replaced by a Liberal man?

The Hon. Penny Sharpe: Who knows? Let's have a ballot.

The Hon. BRONNIE TAYLOR: Well, well, well. We say how far we have come, Madam President. I look forward to seeing you continue in that.

The Hon. Penny Sharpe: Oh, like your female candidate for Upper Hunter? Let's talk about that.

The Hon. Anthony D'Adam: Your candidate for the Upper Hunter?

The Hon. NATASHA MACLAREN-JONES: Before I give the Hon. Penny Sharpe the call, I ask all members to refrain from interjections. The Hon. Penny Sharpe has the call.

The Hon. PENNY SHARPE (19:21): People are very angry here tonight because what is happening here is unprecedented.

The Hon. Anthony D'Adam: Unlawful.

The Hon. PENNY SHARPE: There are many accusations being thrown around. This has been a matter that has been considered very carefully. We heard extensive debate this afternoon in relation to this. Fundamentally, this House and every single member in it is an equal member of the House who has a right to decide and to participate democratically in how we select the person who will preside over us. There is a disagreement around the process with which that has happened. I do not think anyone is suggesting that a month ago, when we were doing this, we knew then what the process in relation to the ballot would end up being right now. That is where we are. That is the truth. There are very differing views, but let us be honest about what is going on here. Where you stand on this debate comes from where you sit. The Government does not have the numbers to get its preferred candidate up and has done something that I consider to be outrageous. You have set a precedent for the future that you should be ashamed of. There are members on this side—

The Hon. Mark Latham: Oh!

The Hon. PENNY SHARPE: Not you. Not you.

The Hon. Mark Latham: Seriously?

The Hon. PENNY SHARPE: Are you going to interrupt me again?

The Hon. Mark Latham: Seriously? We should be ashamed?

The Hon. PENNY SHARPE: Come on. If you are going to keep interrupting me, off you go.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. Mark Latham: We're ashamed? You orchestrated this.

The Hon. NATASHA MACLAREN-JONES: I remind the member not to respond to interjections.

The Hon. PENNY SHARPE: Are you going to keep interrupting me—go on—as you do to every woman in this place, every single time? Come on. Come on.

The Hon. NATASHA MACLAREN-JONES: I remind the honourable member not to respond to interjections. Please continue.

The Hon. PENNY SHARPE: The issue is this: How do we best resolve what is an issue that people feel very strongly about? It actually goes to the heart of the role of the upper House. Government members might be surprised to know that the Government does not have the numbers in the upper House. This is not the Legislative Assembly, where you get to ram through whatever you want. Every single member of this place has a right to vote and to have a say on who shall preside over us. In the past we have supported a number of people, including the Hon. John Ajaka—gee, I wish he was here right now. Having said that, this is a serious matter. The idea that this can be resolved by simply the Government marching somebody into the chair and expecting the majority of this House to think that is reasonable, that that is democratic and that it is somehow okay just belies belief. It belies belief. The only way—

Reverend the Hon. Fred Nile: We had two ballots.

The Hon. PENNY SHARPE: Are you going to keep—

The Hon. Robert Borsak: It was Fred.

The Hon. PENNY SHARPE: The only way that this can be resolved is by a ballot of the members. The Government does not like that and so it has done something that is unbelievable in relation to the democratic nature of this place about the will of every member of this House—not just for the Opposition. The Opposition is here, as we have been, and we have voted for our candidates. The crossbench made a different decision based on different advice. The only way to empower every member equally is for us to have a ballot. It is as simple as that. I just have to go to the issue—the idea that this is somehow a distraction from the Upper Hunter. The distraction from the Upper Hunter is the fact that this Government has not allowed us to sit because it has been working out how it can weasel its way through to get to this particular point where we had someone marched into the chair like a mini coup in New South Wales.

Reverend the Hon. Fred Nile: Rubbish.

The Hon. PENNY SHARPE: The Upper Hunter is something that Labor is absolutely focused on. We are interested in the sell-off of Scone TAFE. We are interested in the regional roads that are failing and that, in the hospitals, four doctors walked off the job.

The Hon. Don Harwin: Keep to the motion. Keep to the motion.

The Hon. PENNY SHARPE: No way. Four doctors walked off the job at the Singleton hospital. There is a range of issues that we are ready to debate. There is a range of pieces of legislation that we are ready to debate. But the Government has kept us from sitting.

The Hon. Taylor Martin: Hey, we didn't push informal votes.

The Hon. PENNY SHARPE: The idea that this is somehow Labor's fault is outrageous. But I come back to the basic point. We are in severe conflict. No-one should want to take the chair in the way that it has been taken tonight. It is an absolute disgrace to anyone who has agreed to it and it is an absolute disgrace to those who think they can be tricky enough to usurp this procedure. In the future you may not be sitting on the Government benches, believe it or not, and it will be a very different thing. You have set a precedent that is a disgrace to this House and that, frankly, most of you I thought would never get to. That is where we are. The only way to resolve this is to empower every person in this House to actually have a ballot to decide who is going to preside over this House. Anything else is undemocratic and it does not befit this House. It should not be supported under any circumstances.

Ms ABIGAIL BOYD (19:26): When we began this process and we were presented with the candidates we were presented with, I for one was not happy with the candidates that were given to us. Under the standing orders, if there is no clear result the process is that the Government goes away and comes back after negotiating to find a consensus candidate. It is absolutely valid for the crossbench to have informal votes or whatever you want to call it and to have nothing on the ballot paper. It is absolutely valid for us to do that if we thought that it would lead to a process where we could have some collaboration and discussion about who a consensus candidate would be. That is why we voted that way on the basis of the advice that was given to us, and that was a valid and democratic thing to do.

I do not regret doing that. I think that was the right thing to do. I had no idea at that time that what we would then end up with is a government that is so arrogant that it will not come and talk to us about what we might accept. We got offers of, perhaps, potential deals for things—you know, "What kind of policy deal would you like?" to get someone else in; completely irrelevant garbage—to talk about who we would have governing this House, who we would have upholding the standards of this House and who would be a consensus candidate. No-one came to us before the Hon. Natasha Maclaren-Jones was put up to say, "Hey, do you think maybe this is a candidate that you can support?" The Government thought that what it could do is just force its candidate upon us.

The Government does not have the numbers in this House to tell us what to do. It is so offensive to democracy and to the way we run this House to have these bullying tactics. Now for this to happen, for this trespass against the presidency to occur where you just physically march a person in—that is the ultimate in forcing what you want to happen instead of actually having a discussion with people about what they might accept. That is why we are in the position we are in today. If there was any doubt about why I did not support the Hon. Natasha Maclaren-Jones being President, it was because I was concerned that she may not uphold the powers of the House in the way that I want her to in order to have the orderly running of this House. That has been put beyond doubt.

To sit in that chair against the clear will of the majority of this House shows that there is no respect for what this House is about, which is as a separate body to the Executive. We do not take our instructions from the Government and that is why this is such an important issue. I ask that we carry on, get on with this, go to a ballot and put in place somebody who has the consensus and acceptance of this House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (19:29): I intend to make only a brief contribution. I obviously do not support the motion before the House moved by the Leader of the Opposition. I make a brief mention about respectful behaviour. I have been in this place 10 years—I concede, not as long as some but longer than others—and when you took the chair, Madam President, the behaviour of those who stood and yelled and were disgraceful in their treatment of you I think is appalling. It is the worst thing I have ever seen in my decade here. As the mother of daughters I just hope to God that my children were not watching that. The legal advice on this is abundantly clear. You have been elected as the President. You should sit as the President. I support that continuing. We should get back to government and get back to the role of this House—which we have all been elected to do—which is to consider legislation and to consider private members' business. There is no reason why that cannot continue tonight with you in the chair.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:31): I congratulate you on your election, Madam President. I think you will be an adornment to this House and the suggestion of Ms Abigail Boyd that your election in some way is the reason she would not vote for you seems to have missed the point that you were elected and that you got the majority of the votes of the people on the floor. If she elected not to participate in that process, that is purely a matter for her. But her action is instrumental in you being elected to the presidency tonight. As a House, we should confirm your election to the position.

Ms Abigail Boyd: Point of order: I clarify the intention of what I just said because I think the Hon. Damien Tudehope misunderstood. Let us be very clear that what is—

The Hon. Don Harwin: That is not a point of order.

Ms Abigail Boyd: I do not care. What is put in a legal advice about what should have been the situation earlier does not then make somebody elected. That is a misleading interpretation of the legal advice and I think you know that.

The Hon. NATASHA MACLAREN-JONES: That was not a point of order; it was a comment.

The Hon. DAMIEN TUDEHOPE: Those opposite have made a big play about the fact that if we were to challenge the result as found by the Clerk, we should have done so at the time. Is that not the point that the Opposition wants to make?

The Hon. Adam Searle: Or now.

The Hon. Penny Sharpe: No, you have not done that.

The Hon. DAMIEN TUDEHOPE: The point that those opposite are making is that the appropriate time to have contested the Clerk's decision was at the time that he made it.

The Hon. Adam Searle: If you thought it was wrong.

The Hon. DAMIEN TUDEHOPE: If that was the point that Opposition members wanted to make, one would have thought that the most eminent counsel in this State would have said that the election of the President could not be upheld because the point was not taken at the time. I would have thought that a lawyer would have known that. In fact this is what occurred. Knowing all those facts, Mr Walker did not say, "But you should have taken the point at the time." He said that you had been elected, Madam President. That is why we are here now and that is why you appropriately should have been escorted to the chair because you have been elected. That is the advice. Go to the advice and have a look at it. It says that you have been elected. Not only that, the Crown Solicitor says the same. To come in here and talk about a coup in circumstances where the legal advice of which Opposition members all have a copy—

Mr David Shoebridge: Talking about a coup.

The Hon. Tara Moriarty: It is pretty obvious that that is what you have done.

The Hon. DAMIEN TUDEHOPE: There is plenty of talk—

The Hon. John Graham: Why did you not object?

The Hon. NATASHA MACLAREN-JONES: Order! I remind members that interjections are disorderly.

The Hon. John Graham: Why did you not object?

The Hon. DAMIEN TUDEHOPE: Have Opposition members read the advice?

The Hon. John Graham: I have read the advice.

The Hon. DAMIEN TUDEHOPE: What did it find? It did not say that we should have another vote; it said that the Hon. Natasha Maclaren-Jones has been elected. It did not say that we should have another vote. It did not say that escorting her to the chair would be a coup. A coup for goodness sake! Opposition members are alleging that this is a coup. If I recall correctly, 20 votes to 14 does not represent a coup; it represents one candidate getting more votes than the other candidate and that person having been elected. That is not a coup; that is installing the person who got the most votes on the occasion. To call it a coup is an absolute misrepresentation of what has occurred in this place tonight. Adopting the advice that has been received and installing you as President is in accordance with that advice. The Leader of the Opposition made a point about the fact that you need to be declared. The Leader of the Government declared you elected tonight.

The Hon. Penny Sharpe: No, he did not.

The Hon. DAMIEN TUDEHOPE: He did. In his speech he declared you elected and invited you to be escorted to the chair. The fact of the matter is that the wording of the standing order does not require the Clerk to declare; the wording of the standing order states that a member is to be declared elected. A member who is declared elected is a reflection of the number of votes and does not require a physical process. That is a proper interpretation of the standing order. It does not require the Clerk to do anything; it just requires the person who is elected to be escorted—

The Hon. Penny Sharpe: I am not sure that that sounds right.

The Hon. DAMIEN TUDEHOPE: The member has been here a lot longer than I have and I have to tell her that it is pretty obvious when I read it.

The Hon. Penny Sharpe: What? Returning officers do not declare ballots? That is a first.

The Hon. DAMIEN TUDEHOPE: It is pretty obvious what it means.

The Hon. Penny Sharpe: No, not really.

Mr David Shoebridge: Let's have a vote.

The Hon. NATASHA MACLAREN-JONES: Order!

Mr David Shoebridge: Let's have a vote.

The Hon. Walt Secord: Let's vote.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. Sarah Mitchell: You are gagging debate now.

The Hon. NATASHA MACLAREN-JONES: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: What it does show is, and in many respects—

The Hon. Walt Secord: Let's vote.

Mr David Shoebridge: Let's vote.

The Hon. Walt Secord: Let's vote.

The Hon. Tara Moriarty: Let's vote.

The Hon. Taylor Martin: You have done it twice. You did not vote.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. DAMIEN TUDEHOPE: How many are going to vote informal?

The Hon. NATASHA MACLAREN-JONES: Minister, I ask you not to respond to interjections.

The Hon. John Graham: Let's find out.

The Hon. Walt Secord: Let's vote.

The Hon. Penny Sharpe: Why won't you let us find out?

The Hon. Walt Secord: Let's vote.

The Hon. Tara Moriarty: Bring on the vote.

The Hon. Walt Secord: Come on, let's vote.

Mr David Shoebridge: Let's have a vote.

The Hon. NATASHA MACLAREN-JONES: Order!

Mr David Shoebridge: Time for a vote.

The Hon. Mark Buttigieg: A dictatorship.

The Hon. Walt Secord: Let's vote.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. DAMIEN TUDEHOPE: Madam President—I take great honour in calling you Madam President—shame on those who want to take steps to have you removed when they all know that you have been

elected. That is a great shame. In fact, when history revisits this page, the shame will be on those who sought to remove the most able woman nominated for this job—potentially the most able woman in the Chamber. They want her removed because of a failed strategy—they want a capable and able woman removed as President of this place. That is the shame of this place.

It will be a shame on all those who want you removed tonight and they will be named in the *Hansard* as voting to remove you, Madam President. They will wear that shame forever whilst they are in this place. We are here tonight debating this issue because of a failed strategy. It is a failed strategy. Those opposite sought to interpret the standing orders to achieve their own means and purposes. They have failed because the advice provided to the Clerk says that the Hon. Natasha Maclaren-Jones has been elected as President. It is a failed strategy. Now they come scurrying to have you removed because of their failed strategy. The great shame they will wear is removing you in circumstances where they know—

Mr David Shoebridge: Time.

The Hon. DAMIEN TUDEHOPE: —that their strategy failed.

Mr David Shoebridge: Time has expired.

The Hon. DAMIEN TUDEHOPE: They know their strategy—

Mr David Shoebridge: Time.

The Hon. NATASHA MACLAREN-JONES: Order! Mr David Shoebridge knows there is no time limit.

Mr David Shoebridge: Time has expired.

The Hon. NATASHA MACLAREN-JONES: The Minister will continue.

The Hon. Bronnie Taylor: Be respectful, don't be a little bit respectful.

Mr David Shoebridge: Time is up.

The Hon. DAMIEN TUDEHOPE: They know that their strategy has failed.

Mr David Shoebridge: Time has expired.

The Hon. DAMIEN TUDEHOPE: This strategy tonight is another one—

Mr David Shoebridge: That's time.

The Hon. DAMIEN TUDEHOPE: —to get rid of you.

Mr David Shoebridge: Time.

The Hon. NATASHA MACLAREN-JONES: Order! I call Mr David Shoebridge to order for the first time. I remind all members that interjections are disorderly. Please allow the Minister to continue.

Mr David Shoebridge: Time is up.

The Hon. DAMIEN TUDEHOPE: Vote for your own shame. I want to know how many members are absolutely committed to this strategy that you have adopted. You will wear it and we will make sure that you are reminded of it. Every single time that you want to make a point about lack of gender equity in this place we will remind you of it. We will remind you what you are doing tonight—

The Hon. Penny Sharpe: We look forward to your new member.

The Hon. DAMIEN TUDEHOPE: —is in fact removing this capable woman—

The Hon. Penny Sharpe: We look forward to the new member of the Liberal Party coming in. Another woman?

The Hon. DAMIEN TUDEHOPE: —from her position as the legitimate—

The Hon. Penny Sharpe: Another woman coming in? Let's go there. Come on.

The Hon. NATASHA MACLAREN-JONES: Order!

The Hon. DAMIEN TUDEHOPE: —President of this place. Madam President, there is no way anyone can properly, in any way, support this motion. I, for one, will be absolutely honoured to support you in your continued position in the chair.

The Hon. MARK PEARSON (19:41): Thank you, House. If I had taken the advice of lawyers in my life I would not be here because you take the advice and you make a decision. What is extremely important for us is

we need to have the absolute trust in the Presiding Officer, the Clerk of this Parliament. We have always deferred to his extraordinary experience and capacity to understand the standing orders, history and spirit of this House. Mr Clerk made a decision and he continues to make a decision after two legal advices. It is clear what his decision is, based on that integrity, on that wisdom, and we must respect that.

It is up to someone in the House to move a motion against that decision, and we move on from there. That is the way it should be. To cart somebody in here and put them in the chair is really quite unconscionable. What members have to understand—and many members have been here a lot longer than me—is that this strikes at the very principle of the Westminster system. This House decides its own destiny and it must have trust in the President. That is what that vote is about, not majority—absolute trust by a majority. That is what we must have here.

The Hon. ADAM SEARLE (19:43): In reply: I address a number of the points raised by honourable members participating in this debate. I will not name them all; they know who they are. I commence by saying that I agree with Ms Abigail Boyd. The situation we are now facing confirms the votes cast by an absolute majority of members in this place to not elect the Hon. Natasha Maclaren-Jones as President on two occasions. I have been misrepresented in the debate by the Hon. Bronnie Taylor. At no point has the integrity, the competence or the capability of the Hon. Natasha Maclaren-Jones been called into question. What we have said, and what a majority of the members in this place have said, is that they want to elect a President who is not in the pocket of the Premier, who is not beholden to the Executive, who will uphold the rights, privileges and powers of this House.

The Hon. Mark Latham: Give her a chance.

The Hon. ADAM SEARLE: The point is this: There was a concern about voting for the hand-picked candidate of the Premier. It would not matter who that person was. The fact that the Government has proceeded on the basis that the presidency of this House is like a parliamentary secretaryship or a ministerial appointment or the chairpersonship of a committee—

The Hon. Penny Sharpe: Or becoming a member of this place.

The Hon. ADAM SEARLE: —or becoming a member of this place, for example, to be determined by the Executive or the Premier, represents a fundamental misunderstanding of this place and of Parliament. The fact is that each House chooses its Presiding Officer. In a lower House that person will almost always be the nominee of the Government because to be the Government it must have a majority in that place or at least have the support of the majority. It is always the case, apart from the rarest occasion, where not only is the Speaker of the other place the nominee of the Government but they usually come from the Government. It is not invariable, but that is the rule.

In this place there is a slightly different tradition. I think the Hon. Mark Latham suggested that somehow in this debate and other debates that we are abrogating to ourselves what is the rightful role of the Government to decide the presidency of this place. The Hon. Bronnie Taylor, either in her contribution or possibly in her interesting op-ed in *The Sydney Morning Herald* of 25 March, made the point that essentially this is not in accordance with the history and tradition of this place and that it should be left to the Government. I remind honourable members that when I was a staffer in this place during the early years of the Carr Government, the first two Presidents were not members of the Labor Party, were not the nominee of the Labor Government and in fact were members of the Liberal Party. The first was the Hon. Max Willis, for whom the Hon. Shayne Mallard worked. There was no ballot because the Government plainly did not have the votes in this place after the 1995 State election. The Government did not contest that ballot but it recognised that the majority of this place had a preference for Mr Willis.

However, after Mr Willis resigned there was a contest. The Government nominated an Independent member of this House, a former Liberal, and the Liberal Opposition nominated the Hon. Virginia Chadwick. There was a contest, there was a ballot and the Government of the day lost. The Opposition of that day and the crossbench combined to elect Virginia Chadwick as the President of this House over the objections of the Government of the day. So this House has a fine tradition of choosing its own Presiding Officer, irrespective of the will of the government of the day. What is happening here is very much in accordance with the history and the tradition of this place, particularly given the evolution of this place where, on a regular basis, the Government does not control the numbers. It is quite clear that what is happening here is very much in accordance with the history and tradition of this place and it should be given the respect it deserves in being allowed to choose its own President.

We have heard that the Hon. Natasha Maclaren-Jones won the most votes according to the two advices. Both of those advices do not say she is the President. They said she should have been declared.

The Hon. Scott Farlow: So she should be declared.

The Hon. ADAM SEARLE: Mr Walker's advice said that she should be declared. The issue here is, and I take what the Leader of the House said, the standing orders do not require that the returning officer or the Clerk has to be the one making the declaration. Presumably any person can make the declaration. What would happen if there were multiple differential declarations that could only be resolved by a vote of this House? That is a nonsense. When you read those provisions in the context of the standing orders as a whole, obviously the only person who can make any declaration that would be binding on this House and its members is the person conducting the ballot. That is so obvious. The standing orders do require the Clerk to have made the declaration.

This Government and those members who are seeking to have the Hon. Natasha Maclaren-Jones installed as the Presiding Officer of this Chamber should have taken the route of moving dissent or moving a positive motion that the Clerk should make that declaration, but they have chosen not to. They have chosen to take the path of trying to steal the chair. The fact that the Hon. Natasha Maclaren-Jones has been participating in this actually confirms the reservation that an absolute majority of this House—22 members—had in not voting for her. That she would be party to such a scheme shows her very real unsuitability for that role. I will say this: The Hon. Natasha Maclaren-Jones was not elected President.

I think it was the Hon. Mark Latham who made the point that this debate is taking up valuable legislating and debating time. We agree. We were ready, willing and able to elect a new President on 25 March. I wrote to the Leader of the Government and the Leader of the House at 10.30 a.m. on that day and said, "I am writing to you on behalf of an absolute majority of this Chamber. We are resolved upon the election of a new President. We would ask that the House be brought back together for the election of a new President." That was at 10.30 a.m. on 25 March. The Government did not allow a vote on that day. Even to this moment it has not permitted a clear vote, which a majority of members wish for, to resolve what is clearly a disputation about the meaning of the standing orders and the outcome of that ballot. It is the only way this matter can be resolved. This matter has gone on too long, but it is not because of the Opposition or the crossbench; it is because the Government and its allies are refusing to allow a vote in this House.

The Hon. Damien Tudehope: We accept the advice.

The Hon. ADAM SEARLE: I am coming to a number of points. I have addressed the point raised by the Hon. Mark Latham that we are seeking to abrogate to ourselves what should be the right of the government of the day. The government of the day has the right to nominate a candidate, but it has no right to insist upon the installation of that candidate as President unless they can secure the majority support of this House. If the Hon. Natasha Maclaren-Jones was in fact elected, as those opposite assert, then this motion I have moved will fail because axiomatically she will enjoy the support of an absolute majority of this Chamber. I acknowledge the amendment moved by Mr David Shoebridge and I accept and support his amendment. If she was not elected then this motion will succeed. If she was elected this motion will fail. That will be a very clear distillation of what has happened.

I will now address the last point, which I think was raised by the Hon. Bronnie Taylor in her op-ed and indeed was raised in this debate by the Leader of the House: the lack of gender equity in this place. The issue of gender has been invoked in this matter. In *The Daily Telegraph* today the Hon. Natasha Maclaren-Jones has a nice photo pic and advertorial. The point is that does not determine the outcome here. What has happened here is an attempt to blur the issue. The fact is when my party was in government and we did actually get to nominate a person for President, two out of the three Presidents were women. Three out of the four leadership positions in my party are occupied by women. Half of the shadow Cabinet in which I serve is comprised of women and 42 per cent of our parliamentary representation across this Parliament are women, leaving the Liberals and The Nationals in the dust when it comes to the issue of gender equity.

So we will not be lectured to by those opposite on the issue of gender equity in this place. We will not be lectured to by those opposite. At the end of the last sitting week when we were in this place I was in the lift with the Premier and the Hon. Mark Pearson. The Premier chipped me about our lack of support for the Hon. Natasha Maclaren-Jones and said, "Shame on you." I said, "Well, Premier, you've got a vacancy now in your Cabinet because of Mr Sidoti. Why don't you appoint the Hon. Natasha Maclaren-Jones to that vacant Cabinet position? Why don't you make her a Minister?" I did not say—but I should have said—"By the way, with Mr Ajaka's vacancy, why don't you appoint a woman?" What did the Liberal Party of this State do? It put Mr Peter Poulos as its preselected candidate. It did not put a woman into Parliament.

Those opposite are not going to put a woman into the Cabinet vacancy. They are trying to blur the lines because they are not committed to gender equity and they do not want women in the Government. Apart from the Premier, there is only one other Liberal woman in the Government. The rest of the women in the Cabinet are made up by The Nationals. The Nationals are doing much better on gender diversity than the Liberal Party. The Premier does not want more women in her Cabinet. She has got a vacancy. She could have acted on it by now. The fact is this is a complete furphy raised by those opposite to try to gloss over the fact they do not have the necessary

support in this place for their candidate. They do not have the necessary support and they are trying to use a furphy, a canard, a downright lie because they know that they cannot succeed by any other method.

If she was elected President, the Hon. Natasha Maclaren-Jones would enjoy the support of this place and this motion will fail. But we will see what happens. This motion could not possibly succeed if she is the President. I urge honourable members to support my motion and to support the amendment moved by Mr David Shoebridge. Let us get on with a fresh ballot to elect the duly and properly elected President of this Chamber and get on with the business that we all have been sent by the people here to do.

The Hon. NATASHA MACLAREN-JONES: The Hon. Adam Searle has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment of Mr David Shoebridge be agreed to.

The House divided.

Ayes22
Noes16
Majority.....6

AYES

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

NOES

Amato	Khan	Nile
Fang	Latham	Roberts
Farlow (teller)	Mallard	Taylor
Farraway (teller)	Martin	Tudehope
Franklin	Mitchell	Ward
Harwin		

Amendment agreed to.

The Hon. NATASHA MACLAREN-JONES: The question is that the motion as amended be agreed to. Is leave granted to ring the bells for one minute?

Leave not granted.

The House divided.

Ayes22
Noes16
Majority.....6

AYES

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

NOES

Amato	Khan	Nile
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NOES

Fang
Farlow (teller)
Farraway (teller)
Franklin
Harwin

Latham
Mallard
Martin
Mitchell

Roberts
Taylor
Tudehope
Ward

Motion as amended agreed to.

The Hon. Natasha Maclaren-Jones left the chair.

Election

The CLERK: Pursuant to the provisions of section 22G of the Constitution Act 1902, I announce that the office of the President of the Legislative Council is vacant. It is necessary for the House to choose a member to be President before the House proceeds to the dispatch of business. I now call for nominations for President.

The Hon. MATTHEW MASON-COX (20:17): I propose to the House and move:

That the Hon. Matthew Ryan Mason-Cox do take the chair of this House as President.

Mr Clerk, I certainly did not believe it would come to this. After the travails of the last 40-odd days where this House has ground to a halt and the unprecedented events we have seen in this Chamber tonight, we are all diminished. This House is a proud House of review. This House is a key plank in the system of responsible government in this State. The events I have seen unfold today have shocked me deeply. For you, Mr Clerk, it has been a personal tragedy in some ways to see this House behave in the way it has. It is probably time that we all reflect on what has happened. I appeal to everybody's better angels in the conduct of this place as we move forward. At this stage I too wish to reflect. I finish by simply subjecting my nomination to the will of the House.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:19): I propose to the House and move:

That the Hon. Natasha Maclaren-Jones do take the chair of this House as President.

I refer members to my remarks earlier this parliamentary day on 24 March when I moved, for a first time, that Ms Maclaren-Jones take the chair. Tonight I think she has performed well in the chair in extremely difficult circumstances and shown the mettle of her capability to fill that role as well. In terms of the other nomination before the House, I do not propose to reflect on that. I think all members know that that has been the agenda all along—including the reason why there were eight abstentions. In fact, the eight abstentions were designed to legitimise the candidacy of another member of the Government who does not have the support of Government members. I believe that is an absolute travesty, but ultimately it is a matter for the House.

The CLERK: Are there any further nominations?

The Hon. Adam Searle: There are no further nominations, Mr Clerk. The Opposition will be supporting the nomination of the Hon. Matthew Mason-Cox. I will speak to that nomination in due course.

The CLERK: Does any member wish to speak to the nominations before I call—

The Hon. Don Harwin: Is that permitted under the standing orders?

The CLERK: Yes. Any member may address the House before I call the two nominated candidates to address the House.

The Hon. ADAM SEARLE (20:21): Very simply, I respond to the two nominations before the House, and cede to direct my comments to a couple of the interjections and to the brief speech made by the Leader of the Government. It was quite clear when the presidency of this House fell vacant that there was an overwhelming desire on behalf of all members—in truth, Government and non-government members—to have a President who would conduct the business of the House in the same spirit as the Hon. John Ajaka had during his time in the chair. There was a discussion across all party lines with a view to try to reach a consensus and an accord. It was quite clear that there were two candidates who would secure the overwhelming support of members in this Chamber without any rancour, bitterness or partisan division. The Government chose not to listen to the will of the House and to treat the presidency of this Chamber as if it were an appointment in the gift of the government or the Premier of the day. That is most regrettable.

In relation to the two ballots that were conducted in this place, which led to no-one being declared elected President, given the common understanding members had of the meaning and import of the standing orders, yes,

a number of members voted in a way that indicated they were not happy with either candidate and that they did want a process of further dialogue within this Chamber so that a candidate who did have the necessary support could emerge. It was commonly understood that those eight votes were votes—perhaps informal, but nevertheless deliberative votes cast to continue a conversation in this place. The notion that they were not votes or that those members should be disenfranchised was not a proposition that was accepted in this House. The meaning and understanding of the standing orders has now well and truly been established for all members.

The action of Government members and the Hon. Natasha Maclaren-Jones in seeking to seat a person in the President's chair without achieving the absolute majority of support required, and without the necessary declaration, is a dark shame that will haunt Government members and those who supported that action for some period of time. However, now we have two nominations before this House. We could have been in this position before 11 o'clock on 25 March but the Government has dithered and delayed and played politics. The fact is that this matter could have been resolved before now. We will be supporting the Hon. Matthew Mason-Cox because in the time that we have known him and he has been in this place, yes, he has conducted himself as a loyal member of the Government—in fact, he was a former Minister—but he has on occasion demonstrated the requisite independence of mind, particularly on Standing Order 52 requests—

The Hon. Don Harwin: He is giving the Mal Colston memorial speech now.

The Hon. Scott Farlow: This is the payback!

The Hon. ADAM SEARLE: Well, he has indicated that he has the capacity to uphold the best traditions of this House, to maintain its independence from the Executive and to favour no-one. This is the important thing: We are not saying it should not be someone from the governing parties but we are saying it should be a person who has the confidence of an absolute majority of members in this place. It is regrettable that it has come to this pass, but that is the doing of those opposite and of the Government. Hopefully when we move beyond this moment the House can regain some of the mutual trust that it needs to conduct its business. That is a question for the Government. We support the nomination of the Hon. Matthew Mason-Cox. This could all have been resolved weeks ago but for the actions of the Government. I hope honourable members will join us in support of this nomination and elect a new President of this place, and that we can get on with conducting the business that we should have been conducting on 24 March and the days that followed.

Ms ABIGAIL BOYD (20:26): This has been a very disappointing process, probably for all members. The Westminster system of parliamentary democracy operates under the fundamental principle of the separation of powers. I do not need to tell members of this House that this is the House of review and we take very seriously our function of scrutinising the Executive and holding the government of the day to account. As I said earlier in another debate, what we have seen throughout this whole debacle is an attempt by this Government to exercise a power it does not actually have over this House to try to tell us who we should elect to be the master and servant of this House, in blatant disregard of the fact that this House does not take its orders from the Government.

It has used a variety of tactics to try to get its way. It has attempted to cajole and publicly wedge us, and it has made some really concerning attempts to make deals with some members of the crossbench in order, it appears, to sway votes. Finally, today it tried to take it by force. Then Government members have had the nerve to try to use the current national surge in attention on the safety of women to justify their behaviour—behaviour that is, at its heart, about factional dealings among and between the Liberal and Nationals parties, a horsetrading of who gets what prized position and what big salary to keep the precarious balance within the Coalition's own ranks. How dare they! How dare they pretend that this is about breaking a glass ceiling that the Government does nothing to address in any other context?

The Greens have spoken before about our reasons for not preferencing the Hon. Natasha Maclaren-Jones for the presidency at this time, in these circumstances. Putting the events of today to one side, I express my solidarity and admiration for the way that the Hon. Natasha Maclaren-Jones has handled her nomination in the context of such despicable behaviour from the Government. I cannot see any good reason for this Government not to elevate more women to positions of power within its ranks—its own ranks, not positions such as the presidency that are not for it to gift. The Hon. Natasha Maclaren-Jones is among a number of women members of the Liberal Party who would appear to be as qualified, if not more so, as the men who are currently appointed Ministers in this Government. I am happy to provide a whole list of suggestions of the men in jobs the Premier might replace with the likes of the Hon. Natasha Maclaren-Jones.

What is more, as we heard earlier, there is a vacancy in the Cabinet right now. I urge the Premier to fill that vacancy today with the Hon. Natasha Maclaren-Jones. It is absurd for a Premier to have only one Liberal woman in her Cabinet and then try to hold herself up as some saint of feminism. It is absolutely disgraceful to use women's rights as cover for an arrangement that has nothing to do with women and everything to do with internal factional politics. It is for this House to determine its own President on the basis of a majority vote and not for the

government of the day to dictate its presidential choice and to try to force that decision upon the House. There were only a few consensus candidates that could have been put up at this time. If we were free from Government power plays we would have been able to determine which of them had the most votes. We are incredibly grateful that one of those consensus candidates, the Hon. Matthew Mason-Cox, has agreed to nominate in these extraordinary circumstances. We have faith that he will uphold the powers of the House and he has our confidence—

The Hon. Penny Sharpe: Point of order: I understand that Government members are upset but their continued and aggressive interjections upon Ms Abigail Boyd are unacceptable. I ask that you call Government members to order.

The CLERK: Interjections are disorderly at all times.

Ms ABIGAIL BOYD: We have faith that the Hon. Matthew Mason-Cox will uphold the powers of the House and he has our confidence in the role of President. I take this opportunity to thank the Clerk for his principled and considered conduct throughout this whole sorry process.

The Hon. SCOTT FARLOW (20:31): Mr Clerk, it is very clear that the Hon. Natasha Maclaren-Jones has put herself forward to raise the standards of this House. The Hon. Natasha Maclaren-Jones has said that she wants to turn her mind, her talents and her ability to improving this House and its conduct. She has been told by members of the Opposition and members of the crossbench that it is not right to have somebody of ambition in the role of President.

Ms Abigail Boyd: That is not what I said.

The Hon. SCOTT FARLOW: That is what was said—that it was not right for somebody of ambition. The Hon. Natasha Maclaren-Jones has outlined that her ambition is an ambition for this House and for the standards of this House. She has shown that intention every single day she has been a member of this House. Let us be clear what the Opposition and the crossbench are voting for. The Opposition and the crossbench are not voting to uphold the standards of this House, they are voting for somebody who led a spill motion against the Premier. They are voting for somebody who has supported motions regarding Standing Order 52 and other motions in this House. This is payback from both the Opposition and the crossbench. It is not about upholding the standards of this House; it is about payback.

The Hon. MARK LATHAM (20:33): Mr Returning Officer, I place on record that every now and then in a Parliament there is a moment when the cover of the schemers is blown. The fact that Ms Abigail Boyd read out a two-page prepared statement acknowledging that the Hon. Matthew Mason-Cox would be the candidate and have the support of The Greens shows how this whole thing has been orchestrated. The rewriting of history by the Leader of the Opposition would make Bruce Pascoe blush. This has been an orchestrated exercise by the Hon. Adam Searle and Mr David Shoebridge trawling up and down the eleventh floor of this building to find the magic renegade Liberal or National Party member.

Plan A was the Hon. Trevor Khan—sans hyphen—and that went out the window. Then they have landed at plan B to the point where the member opposite purporting to speak for The Greens had a prepared statement laying it out for the Hon. Matthew Mason-Cox. It is quite extraordinary that a member would blow their cover so comprehensively. It is supposed to be a spontaneous outbreak of consensus and harmony in the Chamber that Matthew Mason-Cox has come forward as a saviour to restore harmony. It was all orchestrated. One cannot have a prepared two-page statement that one reads out word for word at the dispatch box—not a spontaneous word—and not be found out as someone who knew exactly what this was orchestrated to be. What a sad but revealing moment, that the member has no comments of her own. Someone has written it out knowing this was the scripted—

Ms Abigail Boyd: I wrote it in my office.

The Hon. MARK LATHAM: I note that interjection. She wrote it in her office before the Hon. Matthew Mason-Cox had even declared for the position. She wrote it earlier today, yesterday or maybe last week in her office. The cover of this sham is completely blown to pieces by the fact that the member cannot make an extemporaneous speech of her own and has to write it out—someone said, "It's Mason-Cox, Mason-Cox, Mason-Cox!"—knowing exactly what this sham would come to. For all this talk about the consensus candidate—"Oh, we wish the Government had found someone we could all live with"—those opposite had it in mind all along. The only reason the eight crossbench members voted informal twice—including Ms Abigail Boyd—was to live out the sham, to live out the tactic, to live out the strategy that arrived inevitably at this point.

From my perspective I must say, Mr Returning Officer, I have good relations with Natasha Maclaren-Jones and Matthew Mason-Cox. I regard both of them as independent minded. Neither of them is part of the majority

faction of the Liberal Party. In my dealings with them they have shown that they are parliamentarians first and loyal party people as a secondary consideration. All the slurs and suggestions that somehow Natasha Maclaren-Jones is the Premier's pick, the Premier's girl or the Premier's nominee are just so grossly unfair.

I say to Natasha that my colleague the Hon. Rod Roberts and I have greatly appreciated the work she has done as Whip. Even at times when we were harshly critical of the Government—and no-one has laid it on harder about the Maguire affair than me—we have never for a moment found her to be a partisan person, unfair or biased in favour of this Government or against any particular group in the Chamber. She has discharged her duties as the Whip as she should, with fairness, at harmonious meetings of the different party Whips. It is a credit to her that she has done that for over two years and handled irascible ruffians like me with style, as well as all the other interests around the Chamber.

The Hon. John Graham: Yes, it's true.

The Hon. MARK LATHAM: I acknowledge the interjection from the Hon. John Graham, who himself is a fair person—perhaps not when quoted in *The Sydney Morning Herald*, but otherwise a fair person—who acknowledges it is true. Natasha has been fair, reasonable and independent minded. I reject totally the slur of the Leader of the Opposition that somehow she was going to come in here and do the bidding of Gladys Berejiklian. That is completely untrue. Matthew Mason-Cox will obviously be independent minded as well, but what has this all been about? It has been about finding the difference between two Liberals, neither of them in the majority faction of the Liberal Party and both of them fair and reasonable people.

For all this talk about the wasting of time and how it is the fault of the Government, it is the fault of those who orchestrated the tactic and the sham that was revealed in the prepared words read out by Ms Abigail Boyd. So where does that leave us? It leaves us with a choice of two Liberals who each have commendable qualities for the Chamber. We voted twice for Natasha Maclaren-Jones and we will do it again, declaring confidence in her. It is so unfair that in the tactic of those who talk about misogyny and the mistreatment of women, Natasha Maclaren-Jones could be mistreated so badly in a drawn-out, scripted and orchestrated sham to do her in for someone else of like quality inside the Liberal Party. What a sad day for this Chamber.

The Hon. WES FANG (20:38): I raise one point that I noted during Ms Abigail Boyd's previous comments and in her contribution to the motion before us. Previously Ms Abigail Boyd said that she had indeed voted informally because she was not happy with either of the two candidates who were put forward, those two candidates being the Hon. Natasha Maclaren-Jones and the Hon. Peter Primrose. For Ms Abigail Boyd to say that neither of those candidates was suitable is a disgrace in and of itself. However, for Ms Abigail Boyd to now say that she would prefer the Hon. Matthew Mason-Cox to be elected over the Hon. Peter Primrose is an indictment on her and The Greens and the strategy with which this has been approached. I believe that the actions of The Greens tonight will condemn them. I congratulate the Hon. Natasha Maclaren-Jones on having been elected President. I think what has occurred here tonight is a great shame. It is an indictment on the Labor Party, The Greens and all who have participated in this sham.

The Hon. CATHERINE CUSACK (20:40): Mr David Blunt, I also thank you for your dignified conduct of these very difficult proceedings and I do regret that at times many members of this House have placed you in an impossible situation. The manner in which you have conducted yourself, with impartiality and with dignity, has been one of great effort in the tradition of the Clerks. It is so fundamental to our democracy that the Clerks do not wish to be the issue in the debate. I honestly believe in my heart that the advice that you gave to our House earlier was a profound effort on your part to ensure that the will of this House, which is your role and your passion, prevailed. I feel that we have seen a man who, throughout what I consider to be a fiasco, has conducted himself with tremendous dignity and intelligence and in the best interests of our Parliament. I ask every member of this Chamber to respect that, as it was not fair how much reverted to the Clerk.

Mr David Shoebridge: Well said.

The Hon. Adam Searle: Hear, hear!

The Hon. CATHERINE CUSACK: I make the point that this has been a fiasco and nobody has honour in the way the procedure was dragged out. The Hon. Adam Searle referred to the election of the Hon. Virginia Chadwick as President of this Chamber. What he neglected to mention was Labor's effort to nominate the Hon. Helen Sham-Ho in order to undermine the vote of the majority. At that time the then Opposition had more members than Labor had. Helen Sham-Ho—who is somebody I supported at the beginning of her career and all the way through—I am sorry to say was the rat who accepted nomination against Virginia Chadwick. It is something for which I felt incredible disappointment and will never forgive.

The Hon. Matthew Mason-Cox has now placed himself in exactly that situation. On this occasion it appears that he will profit from obviously his personal decision. I personally do not support the tactics that the Government

employed tonight in an effort to impose my friend the Hon. Natasha Maclaren-Jones as President of the House. I actually have no clue as to what people were thinking by using that strategy. It was unsustainable and not consistent with the dignity of this House. It certainly did my friend and colleague the Hon. Natasha Maclaren-Jones no favours whatsoever. However, I passionately believe that it is in the best interests of this Chamber that she be elected as the President in the appropriate way.

As a Chamber of Parliament we need resources, we need to have proper dialogue with the Government and we need to manage its affairs. It is ludicrous for this Chamber to be operating so many committees and for so many decisions to be made. At the end of the day and more than anything, I am committed to our democracy. This is the Chamber that the people have elected. That is why we must have complete respect, with no conditions, for every member in this Chamber. I do not like all members and I do not agree with all of them, but they have all been put here by the people. In so many ways that is what this comes down to. I know that we need to make this Chamber work, be productive and do its best work.

As much as I disagree with individuals, I do not doubt the integrity and commitment of each individual to spend their time well here and to make a difference. I believe in the role of the President in facilitating all these things. I have no doubt that the Hon. Natasha Maclaren-Jones is more than capable of that. On merit she is clearly the best candidate to deliver those outcomes. There is no sneakiness in what she will do; she will sit in the chair and be the best President that she can be. That is what she wants to do. That is her dream, that is her ambition and the Government is supporting her because she can do the best job.

This whole narrative that has been invented to undermine her is shameful and embarrassing. It may succeed but members are doing the House no favours. As a matter of honour, I am here to support my friend and colleague Natasha, who is clearly the best person for this role. This whole thing is a bit of a tragedy for everybody. I wish that those who caught us up in this mess would learn about it. I feel we all owe the Clerk an apology for what has occurred. As a single humble member I make my recommendation to the House that we support the Hon. Natasha Maclaren-Jones as the best candidate for this role.

The CLERK: Does any other member wish to address the House in debate? Does the Hon. Matthew Mason-Cox wish to address the House?

The Hon. MATTHEW MASON-COX (20:46): I think enough things have probably been said. I say to members that now is the time for sober reflection on what has happened tonight. I join members in acknowledging your important role in the proceedings here tonight, Mr Clerk, and reflect on the invidious position in which you have been placed. I also recognise my colleague the Hon. Natasha Maclaren-Jones, who I believe will be an excellent member for the position of President—not a position that I take lightly. I believe that Natasha has been an excellent member of this House. I put my name forward tonight as a reflection of my view that in order to be in the position of President one needs the confidence of the House by way of a majority vote. As I listened to the debate tonight I was concerned that we would end up in this situation—with the shocking circumstances that occurred and a vote of no confidence in the Chair. All that does is undermine this institution and it undermines all members.

I hope that members can come together and understand that we are servants of this institution which, at the end of the day, is an incredibly important place for democracy in this State. It is the key plank of responsible government in this State. We are the servants of this institution and it is our duty to act in the interests of the people of New South Wales. From the start I have been in conflict in relation to this whole process. I state clearly that I am a most reluctant candidate for President. Many of those who came to see me would understand that that is not a position I coveted. I heard a range of conspiracy theories tonight but I will not dignify them by making any comment. I submit myself to the will of the House.

The CLERK: I invite the Hon. Natasha Maclaren-Jones to address the House.

The Hon. NATASHA MACLAREN-JONES (20:49): Before I was actually nominated as the Government's candidate—in fact, before I attended our party room meeting to put myself forward to our party room—I was approached by a member of the crossbench. This was probably about six or seven weeks ago. He said to me, "You would be best placed to take an offer that is going to be put to you, which would be the position of deputy." I said to him, "First of all, I have not spoken to the party room but I am keen to do the job because I am capable of the job." His response was, "It would be far easier for you to take that position as deputy." What message does that send to people?

I believe that I am competent, I am capable and I have the experience to do the job, and I put myself forward for that reason. What is disappointing and what has come to light—and certainly, looking back, it would have been far easier to take that option than to see and deal with what has happened over the past six weeks, which is, in fact, as we have talked about tonight, an orchestrated campaign which began with undermining me as a

handpicked Premier's candidate when, in fact, I went through the process of speaking to all our members. I spoke to a number of people in this Chamber, on the crossbench and in the Opposition, about support. I presented myself to my party room in the upper House for that support and I got that support unanimously.

But the fact is that behind the scenes there was an orchestrated campaign no different to the Peter Slipper affair that we saw under the Gillard Government, where you have a rat within a party who puts themselves forward and deliberately talks to the Opposition and others to get themselves up because they do not have the support of their party room in doing so. What is sad is to hear that he was endorsed by the Labor caucus ahead of the ballot but did not have the spine to turn up here and be nominated. It is extremely disappointing to see what has occurred over the past few weeks in relation to this ballot, but I will still put myself forward to the House.

The CLERK: According to the standing orders, there being two nominations, I announce that a ballot will be held. Before proceeding to the ballot, the bells will be rung for five minutes.

Ballot

The Clerk announced that the House would proceed to a ballot; that the Clerks would distribute ballot papers for members to complete in their places; that members were requested to write upon their ballot paper the name of the candidate for whom they wished to vote; that when voting was completed the Clerks would ask members to deposit their paper in the ballot box; and that the candidates were the Hon. Matthew Mason-Cox and the Hon. Natasha Maclaren-Jones.

The ballot was conducted.

The Clerk invited the Hon. Matthew Mason-Cox and the Hon. Don Harwin to be scrutineers.

Declaration of Ballot

The CLERK: I announce the result of the ballot as follows: the Hon. Matthew Mason-Cox, 23 votes; the Hon. Natasha Maclaren-Jones, 18 votes. I declare the Hon. Matthew Mason-Cox elected as President and call the Hon. Matthew Mason-Cox to the chair.

The Hon. MATTHEW MASON-COX: I express to honourable members my deep sense of the honour proposed to be conferred upon me. I submit myself to the House.

Members of the House calling on the Hon. Matthew Mason-Cox to the chair, he was taken out of his place by the Hon. Robert Borsak and the Hon. Mark Banasiak and conducted to the chair.

The PRESIDENT: I convey to honourable members my deep consciousness of the honour this House has conferred upon me in choosing me as its independent and impartial President. I express my profound thanks and gratitude for the confidence that is reposed in me.

Mr President took the chair.

The PRESIDENT: Honourable members, it has been a tumultuous day. I ask for your goodwill, for your patience and, indeed, for your better judgement. We now move to working for the people of New South Wales again. In keeping with the words I have just spoken, as an independent and impartial President of this place I undertake to discharge the duties and responsibilities of the position in a fair and even-handed way. I wish to inform all members that I will honour the old convention of Westminster where a Speaker or a President who takes the chair excludes oneself from one's party room. In the interests of impartiality, fairness and independence, I undertake to do that forthwith. With those words, I thank you again for your honour and for your confidence in me.

The Hon. DON HARWIN: Following consultation with the Leader of the Opposition, Mr President, I suggest you do now leave the chair until the ringing of a long bell.

The PRESIDENT: I will now leave the chair until the ringing of a long bell.

[The President left the chair at 21:09. The House resumed at 22:15.]

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

*Presiding Officers***PRESIDENT OF THE LEGISLATIVE COUNCIL****Presentation**

The Hon. DON HARWIN: I will inform the House when I have ascertained it to be the pleasure of Her Excellency the Governor to receive the Legislative Council to present the President to Her Excellency.

*Governor***DEATH OF HIS ROYAL HIGHNESS PRINCE PHILIP THE DUKE OF EDINBURGH**

The PRESIDENT: I report receipt of the following message from Colonel Michael Miller, RFD, Official Secretary to Her Excellency the Governor:

GOVERNMENT HOUSE
SYDNEY

Friday, 9 April 2021

Dear Mr Blunt,

On Her Excellency's command, it is my sad and solemn duty to advise you that His Royal Highness the Duke of Edinburgh passed away on 9 April 2021.

I invite the Members of the Legislative Council to adopt any observances as the Council sees fit.

Yours sincerely

Colonel Michael Miller RFD
Official Secretary to Her Excellency the Governor

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

*Bills***COVID-19 LEGISLATION AMENDMENT (STRONGER COMMUNITIES AND HEALTH) BILL 2021****COVID-19 RECOVERY BILL 2021****COMMUNITY LAND DEVELOPMENT BILL 2020****COMMUNITY LAND MANAGEMENT BILL 2020****MARINE POLLUTION AMENDMENT (REVIEW) BILL 2020****Assent**

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

*Members***LEGISLATIVE COUNCIL VACANCY**

The PRESIDENT: I report receipt of the following communication from the Official Secretary to Her Excellency the Governor:

GOVERNMENT HOUSE
SYDNEY

Wednesday, 31 March 2021

Dear Mr Blunt,

Her Excellency the Governor has this morning received, and accepted, the resignation of the Honourable John Ajaka MLC as a member of the Legislative Council of New South Wales.

I enclose a copy of his letter of resignation with Her Excellency's acknowledgement.

Yours sincerely,

Colonel Michael Miller RFD
Official Secretary to the Governor of New South Wales

I inform the House that the Official Secretary's communication has been acknowledged. An entry regarding the resignation of Mr John Ajaka from the Fifty-Seventh Parliament has been made in the register of members of the Legislative Council.

Bills

LOCAL GOVERNMENT AMENDMENT BILL 2021

REAL PROPERTY AMENDMENT (CERTIFICATES OF TITLE) BILL 2021

HEAVY VEHICLE LEGISLATION AMENDMENT (NATIONAL REGULATOR) BILL 2021

First Reading

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

The Hon. DAMIEN TUDEHOPE: I move:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for the next sitting day.

Motion agreed to.

MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021

Received

Bill received from the Legislative Assembly.

The PRESIDENT: According to the resolution of the House of 23 March 2021, as the message on the bill has been received from the Legislative Assembly, the bill now stands referred to the Portfolio Committee No. 1 – Premier and Finance for inquiry and report.

COVID-19 RECOVERY BILL 2021

Messages

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

LIQUOR AMENDMENT (RIGHT TO PLAY LIVE MUSIC) BILL 2019

Discharge of Order of the Day and Withdrawal of Bill

The PRESIDENT: I report receipt of a message from the Legislative Assembly informing the Legislative Council that it had discharged the general business order of the day for the second reading of the Liquor Amendment (Right to Play Live Music) Bill 2019 and withdrawn the bill.

STATE INSURANCE AND CARE GOVERNANCE AMENDMENT (EMPLOYEES) BILL 2020

Lapsed

The PRESIDENT: I report receipt of a message from the Legislative Assembly informing the Legislative Council that the State Insurance and Care Governance Amendment (Employees) Bill 2020 has lapsed.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That there be no question time this day.

Motion agreed to.

*Documents***REGISTER OF DISCLOSURES**

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Council: Supplementary Ordinary Returns for the period 1 July 2020 to 31 December 2020, together with Discretionary Returns submitted since October 2020, furnished to me by the Clerk.

The Hon. DAMIEN TUDEHOPE: I move:

That the document be printed.

Motion agreed to.

LAW ENFORCEMENT CONDUCT COMMISSION**Reports**

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

- (1) Report entitled *Operation Monza*, dated March 2021, received out of session and authorised to be made public on 26 March 2021.
- (2) Report entitled *Operation Kadenwood*, dated March 2021, received out of session and authorised to be made public on 26 March 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the reports be printed.

Motion agreed to.

INSPECTOR OF CUSTODIAL SERVICES**Reports**

The PRESIDENT: According to the Inspector of Custodial Services Act 2012, I table a report of the Inspector of Custodial Services entitled *Health services in NSW correctional facilities*, dated March 2021, received out of session and authorised to be made public on 26 March 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

SMALL BUSINESS COMMISSIONER**Reports**

The PRESIDENT: According to the Small Business Commissioner Act 2013, I table the report of the Small Business Commissioner for the year ended 30 June 2020, received out of session and authorised to be made public on 9 April 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

*Members***PARLIAMENTARY SECRETARIES**

The Hon. DAMIEN TUDEHOPE: I inform the House that on 24 March 2021 the Hon. Natasha Maclaren-Jones resigned as Parliamentary Secretary for Health.

*Documents***TAFE NSW CAMPUSES****Production of Documents: Order**

The Hon. DANIEL MOOKHEY (22:27): I seek leave to amend private members' business item No. 993 outside the order of precedence standing in my name on the *Notice Paper* for today as follows:

- (1) Omit "1 January 2019" and insert instead "1 April 2019".
- (2) Insert after paragraph (b):
 - (c) a list of utilisation rates of all TAFE NSW campuses;
 - (d) a list of utilisation rates of all TAFE NSW Connected Learning Centres;
 - (e) all reports, briefings, memorandum, emails and correspondence relating to the utilisation rates of all TAFE NSW campuses;
 - (f) all reports, briefings, memorandum, emails and correspondence relating to the utilisation rates of all TAFE NSW Connected Learning Centres; and

Leave granted.

The Hon. DANIEL MOOKHEY: 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 April 2019, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Minister for Skills and Tertiary Education, TAFE NSW, Property NSW, Department of Education or Department of Premier and Cabinet relating to the sale of TAFE NSW campuses:

- (a) all documents regarding the possible sale of any TAFE NSW campus, including all analysis, briefing notes, business cases, feasibility studies, correspondence, and ministerial briefing notes;
- (b) all correspondence to or from a member of Parliament regarding the possible sale of a TAFE NSW campus;
- (c) a list of utilisation rates of all TAFE NSW campuses;
- (d) a list of utilisation rates of all TAFE NSW Connected Learning Centres;
- (e) all reports, briefings, memorandum, emails and correspondence relating to the utilisation rates of all TAFE NSW campuses;
- (f) all reports, briefings, memorandum, emails and correspondence relating to the utilisation rates of all TAFE NSW Connected Learning Centres; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

DEATH OF PERCY BROOKFIELD

The Hon. DANIEL MOOKHEY (22:30): I move:

- (1) That this House notes that:
 - (a) Percy Brookfield was the member for Sturt, in Broken Hill from 1917 until his murder in 1921;
 - (b) prior to joining the Parliament, Mr Brookfield was a miner, settling in Broken Hill;
 - (c) a militant trade unionist, he went on to become an official with the Amalgamated Miners' Union and by all accounts was the miners' hero;
 - (d) Mr Brookfield led the Broken Hill campaign against conscription during World War I;
 - (e) he was elected to the New South Wales Legislative Assembly at a by-election in 1917 as the member for Sturt with 54 per cent of the primary vote;
 - (f) he was re-elected at the 1918 general election with an increased primary vote, and again in 1920, in the newly reformed multi-member electorate; and
 - (g) on 22 March 1921, while travelling from Broken Hill to Adelaide, Mr Brookfield confronted gunman Koorman Tomayoff, a Russian national who had shot two people at Riverton Railway Station in South Australia. Mr Brookfield was shot twice and later died in hospital, becoming the first Australian politician to be assassinated in office.
- (2) That this House notes the centennial anniversary of the assassination of Percy Brookfield, member for Sturt.
- (3) That this House offers its condolences to the descendants of Mr Brookfield.

Motion agreed to.

DEATH OF MICHAEL GUDINSKI

The Hon. JOHN GRAHAM (22:31): I move:

- (1) That this House notes:
 - (a) the passing of Australian music legend Michael Gudinski on 2 March 2021;

- (b) that for nearly 50 years Michael Gudinski was an unwavering advocate for Australian music, earning him the title "the father of the Australian music industry";
 - (c) that Michael Gudinski had an eye for musical talent that spanned genres and generations, launched and supported the careers of some of Australia's most well-known artists including the Skyhooks, Yothu Yindi, Kylie Minogue and Amy Shark;
 - (d) that in his last days, Michael Gudinski was still working to keep musicians in work, during the unprecedented music crisis brought on by the pandemic, through *The Sound and State of Music*; and
 - (e) the country will honour and remember him with a State memorial on Wednesday 24 March 2021, at Rod Laver Arena, a stadium Gudinski insisted was among the finest concert venues in the world.
- (2) That this House offers its deepest sympathy to Michael Gudinski's family, to his friends and colleagues, and to Australia's artists and music fans, for this tragic loss.

Motion agreed to.

Documents

DAM INFRASTRUCTURE

Tabling of Report of Independent Legal Arbitrator

Mr JUSTIN FIELD: I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 19 March 2021, on the disputed claim of privilege on documents relating to an order for papers regarding dam infrastructure projects, be laid on the table by the Clerk, together with the submissions received by the arbitrator.
- (2) That the report and submissions be printed.

Motion agreed to.

TABLING OF PAPERS

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

- (1) Transport Administration Act 1988—Transport for NSW Centre for Road Safety, *NSW Road Safety Progress Report 2020*, dated April 2021

I move:

That the report be printed.

Motion agreed to.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list of all papers tabled in the previous month and not ordered to be printed.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. TREVOR KHAN: I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 29/57*, dated 4 May 2021. I move:

That the report be printed.

Motion agreed to.

Documents

DAM INFRASTRUCTURE

Report of Independent Legal Arbitrator

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 19 March 2021, together with submissions on the disputed claim of privilege on documents relating to an order for papers concerning dam infrastructure projects.

AUDITOR-GENERAL**Reports**

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

- (1) Performance Audit report entitled *Delivering school infrastructure*, dated 8 April 2021, received out of session and authorised to be printed on 8 April 2021.
- (2) Corrigendum to the Performance Audit report entitled *Delivering school infrastructure*, dated 8 April 2021, received out of session and authorised to be printed on 9 April 2021.
- (3) Performance Audit report entitled *Addressing public inquiry recommendations—Emergency response agencies*, dated 22 April 2021, received out of session and authorised to be printed on 22 April 2021.

Committees**PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Reports**

The CLERK: According to standing order, I announce receipt of report No. 52 of Portfolio Committee No. 1 – Premier and Finance entitled *Cyber Security*, dated March 2021, together with transcripts of evidence, submissions, tabled documents, answers to questions on notice, supplementary questions and correspondence, received out of session and authorised to be printed on 26 March 2021.

The Hon. TARA MORIARTY (22:35): I move:

That the House take note of the report.

Debate adjourned.

PUBLIC ACCOUNTABILITY COMMITTEE**Reports**

The CLERK: According to standing order, I announce receipt of report No. 8 of the Public Accountability Committee entitled *Inquiry into the integrity, efficacy and value for money of NSW Government grant programs: First report*, dated March 2021, received out of session and authorised to be printed on 30 March 2021.

Mr DAVID SHOEBRIDGE (22:36): I move:

That the House take note of the report.

I indicate my gratitude for the support of all committee members in dealing, at times, with greatly troubling evidence about the way that grants are assessed and allocated in this State. I am pleased that the committee adopted a largely unanimous report on the way forward for grants. We were scandalised by the evidence we saw of the destruction of records and the politicised nature of grants. The committee has indicated—and I hope this will be considered in detail during debate on the report—that the way forward is to ensure that public money is awarded on the basis of need and not on the politicised wishes of the government of the day.

Debate adjourned.

SELECTION OF BILLS COMMITTEE**Reports**

The Hon. MARK BUTTIGIEG: I table report No. 46 of the Selection of Bills Committee, dated 4 May 2021. I move:

That the report be printed.

Motion agreed to.

The Hon. MARK BUTTIGIEG: According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee, I move:

That the following bills not be referred to a standing committee for inquiry and report, this day:

- (a) Heavy Vehicle Legislation Amendment (National Regulator) Bill 2021;
- (b) Canterbury Park Racecourse (Sale and Redevelopment Moratorium) Bill 2021; and
- (c) NSW Jobs First Bill 2021.

Motion agreed to.

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

The CLERK: According to standing order, I announce receipt of report No. 6 of Portfolio Committee No. 7 – Planning and Environment entitled *Local Land Services Amendment (Miscellaneous) Bill 2020*, dated April 2021, together with submissions, a summary report of responses to an online questionnaire and correspondence, received out of session and authorised to be printed on 8 April 2021.

JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020**Reports**

The CLERK: According to standing order, I announce receipt of report No. 1/57 of the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, dated March 2021, received out of session and authorised to be printed on 31 March 2021.

The Hon. CATHERINE CUSACK (22:40): I move:

That the House take note of the report.

Debate adjourned.

SELECT COMMITTEE ON THE HIGH LEVEL OF FIRST NATIONS PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF DEATHS IN CUSTODY**Reports**

The CLERK: According to standing order, I announce receipt of the report of the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, entitled *The high level of First Nations people in custody and oversight and review of deaths in custody*, dated April 2021, together with transcripts of evidence, submissions, correspondence and answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 15 April 2021.

The Hon. ADAM SEARLE (22:41): I move:

That the House take note of the report.

Debate adjourned.

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

The CLERK: According to standing order, I announce receipt of report No. 42 of Portfolio Committee No. 3 – Education entitled *Review of the New South Wales school curriculum*, dated April 2021, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, the chair's and committee discussion papers, samples of pro formas and correspondence received, received out of session and authorised to be printed on 19 April 2021.

The Hon. MARK LATHAM (22:42): I move:

That the House take note of the report.

This is a vitally important report, our second tranche of suggested improvements to lift New South Wales school academic results. It is vitally important, particularly in light of the recently released flawed Australian Curriculum, Assessment and Report Authority [ACARA] national curriculum document. But given the lateness of the hour, we cannot have a lengthy debate about all these important issues other than to note, Mr President, that with your elevation to the higher office we lose you as the deputy chair of our committee. This is your last formal contribution to Portfolio Committee No. 3 – Education, for which I thank you. I also thank the other members of the committee, of course.

Debate adjourned.

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

The CLERK: According to standing order, I announce receipt of report No. 57 of Portfolio Committee No. 5 – Legal Affairs entitled *Provisions of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020*, dated April 2021, together with transcripts of evidence, submissions, tabled documents, answers to

questions on notice, supplementary questions and correspondence, received out of session and authorised to be printed on 27 April 2021.

The Hon. ROBERT BORSACK (22:43): I move:

That the House take note of the report.

I thank all members who participated in the hearings. I also thank the members who participated in a cooperative and useful manner in the deliberative. We have produced a very good report that the House will be able to debate in due course and I look forward to working through the provisions of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020.

Debate adjourned.

STANDING COMMITTEE ON LAW AND JUSTICE

Reports

The CLERK: According to standing order, I announce receipt of report No. 75 of the Standing Committee on Law and Justice entitled *2020 Review of the Workers Compensation Scheme*, dated April 2021, together with transcripts of evidence, submissions, tabled documents, answers to questions on notice, supplementary questions and correspondence, received out of session and authorised to be printed on 30 April 2021.

The Hon. WES FANG (22:44): I move:

That the House take note of the report.

I had intended to read onto the record the Chair's foreword for this report, it being one I thought was rather important.

Mr David Shoebridge: Ask for it to be incorporated, Wes.

The Hon. WES FANG: I acknowledge the interjection of Mr David Shoebridge. I seek leave to have the Chair's foreword to the report incorporated in *Hansard*.

Leave granted.

The necessary focus of this review was on the performance and operations of icare, given it manages the Nominal Insurer, which holds the majority of the workers compensation scheme's market share, and the Treasury Managed Fund. The financial position of both of these schemes has significantly deteriorated over time. The Nominal Insurer's net loss as at 30 June 2020 was \$1.894 billion, with a net underwriting loss of \$2.195 billion. It has also experienced a steady decline in its funding ratio, pre dating the COVID-19 pandemic. The financial position of the Treasury Managed Fund is equally concerning, given a recently reported net loss of \$635 million.

For the Nominal Insurer in particular, poorer return to work rates are a clear contributing factor to this decline, as is an increase in claim costs, including medical expenses. The new claims management model implemented by icare, which enables claims to be managed by one scheme agent, and the move to a single platform, have also contributed to the financial position of the scheme. Clearly, icare's ambitious approach to pursue a significant transformation has come at a detriment to not only injured workers but the public.

Against this backdrop, the committee examined icare's leadership, governance and culture. What unfortunately emerged was evidence of deficient procurement and contract practices, and failures to declare, record and manage potential conflicts of interest appropriately. Many of these matters involved the most senior staff at icare and were oversighted by the icare Board.

This review undoubtedly highlighted the need for significant leadership and cultural change at icare. It is clear that the icare Board must govern icare appropriately and have experience in personal injury management or workers compensation. Senior executives at icare must also demonstrate the high standard and level of responsibility expected of public sector officials.

In this regard, we note that several important changes have taken place at icare, including the appointment of a new Chief Executive Officer and Managing Director, and Chair of the Board. While we accept that the current leadership team is taking responsibility for the matters that have unfolded, including the poor financial state of the scheme, the committee remains concerned and intends to monitor the situation closely. Not only will we be having a hearing later this year to further review these issues, we also expect icare to provide an update by the end of 2021 as to what actions it is taking to ensure it is complying with all the requirements expected of a public sector agency, along with the measures it is implementing to improve the financial performance of the Nominal Insurer and Treasury Managed Fund, including return to work rates.

We have also made a number of other findings and recommendations in relation to the workers compensation scheme, many of which are aimed at ensuring there is greater oversight, accountability and evaluation, so as to ensure icare is performing better and that injured workers are best supported and promoted to return to work.

This review was perhaps a perfect example of how a parliamentary inquiry can transgress political differences to undertake an important accountability and scrutiny role on behalf of the House. In this regard, I thank my committee colleagues for their considered contributions to this important review and for their collaboration with this report. I also thank both Hansard and the committee secretariat for their professional support.

I commend this report to the House.

The Hon Wes Fang MLC

Committee Chair

I emphasise the last paragraph. I think there is something in that for every member of this House following the events of tonight.

Debate adjourned.

STANDING COMMITTEE ON LAW AND JUSTICE**Reports**

The CLERK: According to standing order, I announce receipt of report No. 76 of the Standing Committee on Law and Justice entitled *Mandatory Disease Testing Bill 2020*, dated April 2021, together with transcripts of evidence, submissions, answers to questions on notice and correspondence, received out of session and authorised to be printed on 30 April 2021.

The Hon. WES FANG (22:46): I move:

That the House take note of the report.

Once again, the *Mandatory Disease Testing Bill 2020* report from the Standing Committee on Law and Justice is the result of a thorough and collaborative approach by all members. I particularly thank members of the Committee and those who participated, along with the Hansard staff and the secretariat, for producing what is a very succinct but thorough review of all the issues that were raised during the inquiry hearings. I commend the report to the House.

Debate adjourned.

*Bills***MANDATORY DISEASE TESTING BILL 2020****First Reading**

Bill read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That the second reading of the bill stand as an order of the day for the next sitting day.

Motion agreed to.

*Committees***STANDING COMMITTEE ON SOCIAL ISSUES****Reports**

The CLERK: According to standing order, I announce receipt of report No. 58 of the Standing Committee on Social Issues entitled *Gay and Transgender hate crimes between 1970 and 2010: Final report*, dated May 2021, together with transcripts of evidence, submissions, tabled documents, answers to questions on notice and correspondence, received out of session and authorised to be printed on 4 May 2021.

The Hon. SHAYNE MALLARD (22:49): I move:

That the House take note of the report.

Given the hour and the input of the day I will not go into detail in my speech—I will do that in committee reports—other than to thank the committee members who worked on this report with the Government to get a unanimous, cross-party set of recommendations, as well as the first report. This has been eagerly awaited by many stakeholders in the community.

Debate adjourned.

STANDING COMMITTEE ON SOCIAL ISSUES**Government Response**

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 57 of the Standing Committee on Social Issues entitled *State Records Act 1998 and the Policy Paper on its review*, tabled on 15 October 2020, received out of session and authorised to be printed on 14 April 2021.

REGULATION COMMITTEE**Government Response**

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 7 of the Regulation Committee entitled *Making of delegated legislation in New South Wales*, tabled on 22 October 2020, received out of session and authorised to be printed on 19 April 2021.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**Government Response**

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 1/57 of the Joint Standing Committee on Electoral Matters entitled *Administration of the 2019 NSW State Election*, tabled 28 October 2020, received out of session and authorised to be printed on 28 April 2021.

*Documents***MUSWELLBROOK SHIRE BIOREFINERY PROJECT****Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table documents relating to an order for papers regarding the biorefinery project in Muswellbrook shire, received on Wednesday 24 March 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 24 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

GREGORY HILLS SCHOOLS PROJECT**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table documents relating to an order for papers regarding the Gregory Hills Primary School project, received on Wednesday 24 March 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 24 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table additional documents relating to an order for papers regarding the Gregory Hill Primary School project, received on Tuesday 4 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Tuesday 4 May 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table documents relating to an order for papers regarding the Narrandera to Tocumwal Rail Line Reopening Feasibility Study, received on Wednesday 24 March 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 24 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

SCHOOL INFRASTRUCTURE**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table correspondence relating to a further order for papers regarding the School Infrastructure NSW 2019-20 Works in Progress Summary, received on Wednesday 24 March 2021 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments and agencies hold no documents covered by the terms of the resolution.

WESTERN SYDNEY AIRPORT RAIL LINKS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding Western Sydney Airport rail links, received on Wednesday 31 March 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Wednesday 31 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

WATER PROJECTS AND CAP MODELLING**Return to Order**

The CLERK: According to the resolution of the House of Thursday 18 March 2021, I table additional documents relating to an order for papers regarding water projects and cap modelling, received on Wednesday 31 March 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Wednesday 31 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

WATER MANAGEMENT (GENERAL) AMENDMENT (EMERGENCY WORKS EXEMPTION) REGULATION 2021**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table correspondence relating to an order for papers regarding the Water Management (General) Amendment (Emergency Workers Exemption) Regulation 2021, received on Friday 26 March 2021 from the Acting Executive Director of the Department of Premier and Cabinet, Mr Mark Hare, advising that the regulator is not subject to the control and direction of the Minister and the Legislative Council should liaise directly with the regulator in relation to this matter.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table documents relating to an order for papers regarding the Water Management (General) Amendment (Emergency Workers

Exemption) Regulation 2021, received on Wednesday 31 March 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 31 March 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding the Water Management (General) Amendment (Emergency Workers Exemption) Regulation 2021, received on Monday 3 May 2021 from the Secretary of the Department of Planning, Industry and Environment, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Monday 3 May 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding the Water Management (General) Amendment (Emergency Workers Exemption) Regulation 2021, received on Tuesday 4 May 2021 from the Secretary of the Department of Planning, Industry and Environment, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Tuesday 4 May 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

BUSHFIRE SUPPORT GRANTS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table documents relating to an order for papers regarding 2019-20 bushfire season grants, received on Wednesday 7 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 7 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

MONARO FARMING SYSTEMS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table documents relating to an order for papers regarding Monaro Farming Systems, received on Wednesday 7 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 7 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding Monaro Farming Systems, received on Friday 9 April 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Friday 9 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

DEPARTMENTAL STAFF PERFORMANCE**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table documents relating to an order for papers regarding the performance of current department secretaries, received on Wednesday 7 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 7 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

HOTEL QUARANTINE SECURITY CONTRACTS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 February 2021, I table additional documents relating to an order for papers regarding isolation hotels, received on Thursday 8 April 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Thursday 8 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

STRIKE FORCE WYNDARRA**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table documents relating to an order for papers regarding Strike Force Wyndarra, received on Friday 9 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Friday 9 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

TREE CLEARANCE ZONES**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table documents relating to an order for papers regarding the Ministerial Directive on tree clearance zones, received on Tuesday 13 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Tuesday 13 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding the Ministerial Directive on tree clearance zones, received on Tuesday 4 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Tuesday 4 May 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

BEFORE AND AFTER SCHOOL CARE**Return to Order**

The CLERK: According to resolution of the House of Wednesday 17 March 2021, I table documents relating to an order for papers regarding before and after school care and vacation care, received on Wednesday 14 April 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 14 April 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

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

The CLERK: According to the resolution of the House of Wednesday 21 October 2020, I table additional documents relating to an order for papers regarding the interests and representations of Mr Daryl Maguire, received on Friday 23 April 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

COMMUNITY FUNDS AND GRANTS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 5 August 2020, I table additional documents relating to an order for papers regarding community funds and grants, received Tuesday 4 May 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

PARRAMATTA LIGHT RAIL**Correspondence**

The PRESIDENT: According to the resolution of the House of Tuesday 23 March 2021, I table correspondence received from the Acting General Counsel at the Department of Premier and Cabinet, dated 9 April 2021, attaching an index concerning the provision of the final business cases for stages one and two of the Parramatta Light Rail project. The correspondence notes that the Government has decided to produce the documents on a voluntary basis. The index indicates the status of the document as "confidential – not for public inspection".

I note that in June 2018 when business cases for the Sydney stadiums and Powerhouse Museum were produced on a similar basis, and again in August 2020 when redacted versions of the Western Harbour Tunnel and Beaches Link strategic business case and final business case were also produced on a similar basis, the House subsequently clarified its position that the documents had in fact been produced and received under Standing Order 52 and were therefore treated as such. In the absence of any such resolution of the House in this matter, those documents will be treated as confidential and are available for inspection by members of the Legislative Council only.

REVENUE NSW**Report of Independent Legal Arbitrator**

The CLERK: I announce the receipt of the interim report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 27 April 2021, on the disputed claim of privilege on papers relating to Revenue NSW investigations. I further inform the House that Revenue NSW, through the Department of Premier and Cabinet, in its submission to the arbitrator dated 19 March 2021 indicated that the claims of privilege over documents numbered 208, 281, 282, 284, 323, 741 and 799 were waived. The documents were subsequently made public on 27 April 2021 on receipt of Mr Mason's interim report. I further announce that the report and submissions are available for inspection by members of the Legislative Council only.

*Irregular Petitions***GREGORY HILLS PUBLIC SCHOOL**

The Hon. MARK LATHAM: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 750 citizens of New South Wales requesting the urgent approval of funding for the construction of a public school at Gregory Hills, which is irregular because the petitioners have addressed the request to the Speaker and the members of the Legislative Assembly.

Petition received.

*Business of the House***POSTPONEMENT OF BUSINESS**

Ms ABIGAIL BOYD: I move:

That business of the House notices of motions Nos 1 and 2 be postponed until 13 May 2021.

Motion agreed to.

*Members***MINISTRY**

The Hon. DON HARWIN: I inform the House that on 31 March 2021 the Acting General Counsel of the Department of Premier and Cabinet advised that Her Excellency the Governor has issued a commission appointing the Hon. Victor Dominello, MP, as Minister for Digital.

*Committees***PUBLIC WORKS COMMITTEE****Reference**

The Hon. DANIEL MOOKHEY: I inform the House that in accordance with paragraph (4) of the resolution of the House establishing the committee, the Public Works Committee resolved on 24 March 2021 to adopt the following reference:

Impact of the Western Harbour Tunnel and Beaches Link Project

That the Public Works Committee inquire into and report on the impact of the Western Harbour Tunnel and Beaches Link Project, including each of its constituent parts being the Warringah freeway upgrade, the Western Harbour Tunnel and the Beaches Link, including:

- (a) the adequacy of the business case for the project, including the cost benefits ratio;
- (b) the adequacy of the consideration of alternative options;
- (c) the cost of the project, including the reasons for overruns;
- (d) the consideration of the governance and structure of the project including the use of a 'development partner' model;
- (e) the extent to which the project is meeting the original goals of the project;
- (f) the consultation methods and effectiveness, both with affected communities and stakeholders;
- (g) the extent to which changes in population growth, work and travel patterns due to the COVID-19 pandemic have impacted on the original cost benefit ratio;
- (h) whether the New South Wales Government should publish the base-case financial model and benefit cost ratio for the project and its component parts;
- (i) whether the project is subject to the appropriate levels of transparency and accountability that would be expected of a project delivered by a public sector body;
- (j) the impact on the environment, including marine ecosystems;
- (k) the adequacy of processes for assessing and responding to noise, vibration and other impacts on residents, during construction and operationally;
- (l) the impact of the project on nearby public sites, including Yurulbin Point and Dawn Fraser Baths; and
- (m) any other related matter.

REGULATION COMMITTEE**Reference**

The Hon. MICK VEITCH: I inform the House that in accordance with paragraph (3) of the resolution of the House establishing the committee, the Regulation Committee resolved on 24 March 2021 to adopt the following reference:

Environmental planning instruments [SEPPs]

- (1) That the Regulation Committee inquire into and report on:
 - (a) the making of environmental planning instruments [SEPPs] under section 3.29 of the Environmental Planning and Assessment Act 1979;
 - (b) whether SEPPs should be disallowable under the Interpretation Act 1987; and
 - (c) any other related matters.
- (2) That the committee report by the first sitting day in August 2021.

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

The Hon. MARK BANASIAK: According to paragraph (2) of the resolution establishing the Portfolio Committees, I inform the House that on Thursday 25 March 2021 Portfolio Committee No. 4 - Industry resolved to adopt the following terms of reference:

Long-term sustainability and future of the timber and forest products industry

- (1) That Portfolio Committee No. 4 - Industry inquire into and report on the long-term sustainability and future of the timber and forest products industry and the role of the Forestry Corporation and other government agencies in supporting the industry, in particular:
 - (a) the nature of, and relationship within, the value chain between the timber and forest products industry, logistics companies, manufacturers, retailers, exporters and their relationship with timber supply and environmental management, and opportunities to enhance supply chain;
 - (b) the impact of external influences on the timber and forest products industry, including but not limited to drought, water, fire, regulatory structures, habitat protection and local, State and Federal policies regarding climate change and plantation establishment;
 - (c) projections for softwood and hardwood supply and demand over the next 30 years;
 - (d) transparency and data reporting of timber supply;
 - (e) opportunities for the timber and forest products industry and timber-dependent communities and whether additional protections, legislation or regulation are required in New South Wales to better support the forestry products industry and timber-dependent communities, including opportunities for value adding;
 - (f) the role of the Government in addressing key economic, environmental and social challenges to the industry, including funding and support to encourage improvements in forestry practices, training, innovation and automation, workplace health and safety, industry and employee support, land use management and forestry projects;
 - (g) the environmental impact and sustainability of native forest logging, including following the 2019-20 bushfire season;
 - (h) the operation, effectiveness and outcomes of the implementation of the NSW Forestry Industry Roadmap and Bushfire Industry Recovery Package;
 - (i) best practices in other Australian and international jurisdictions in relation to the sustainability of the timber and forest products industry, including social sustainability, community and Indigenous engagement and multiple uses of the forest estate; and
 - (j) any other related matters.
- (2) The committee report on a date of the committee's choosing.

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

Ms ABIGAIL BOYD: According to paragraph (6) of the resolution establishing the Portfolio Committees, I inform the House that on Thursday 25 March 2021 Portfolio Committee No. 6 - Transport and Customer Service resolved to adopt the following terms of reference:

Road tolling regimes

That Portfolio Committee No. 6 - Transport and Customer Service inquire into and report on matters relating to tolling regimes for roads in New South Wales including:

- (a) an updated review of the tolling regimes in place on different roads and an explanation for the differences between each;
- (b) the total cost paid by drivers in tolls for the WestConnex toll road over the life of its contract and the extent to which this represents value for money;
- (c) the impact, and the geographical distribution of the impact, of toll costs on New South Wales drivers and on productivity;
- (d) the extent of toll relief provided in New South Wales and whether it is adequate;
- (e) opportunities to increase transparency for the public, particularly over how tolling contracts are negotiated and varied, and the extent to which tolls are paid;
- (f) the rationale for allowing higher than CPI increases on certain tolls and for the truck toll being set at three times the toll for car traffic;
- (g) the ability or otherwise of trucking businesses to afford increases in tolling charges and the extent or otherwise of their ability to pass this through;
- (h) opportunities to increase the assurance to the public that tolling arrangements represent the fairest possible outcome, including the appropriateness of involving an independent agency such as the Independent Pricing and Regulatory Tribunal [IPART] in the determination of tolls and their escalation;
- (i) the long-term impact on government finances as a result of toll roads being wholly or partly operated by non-government entities;
- (j) consideration of the impact of direct or debt financing of road projects, including what would have been the impact on regional road projects of the direct financing of WestConnex; and
- (k) any other related matter.

PUBLIC ACCOUNTABILITY COMMITTEE

Extension of Reporting Date

Mr DAVID SHOEBRIDGE: According to paragraph (9) of the resolution establishing the committee, I inform the House that on Monday 26 April 2021 the Public Accountability Committee resolved to extend the reporting date for its inquiry into the integrity, efficacy and value for money of New South Wales Government grant programs to 12 August 2021.

Written Answers to Supplementary Questions

SCHOOL INFRASTRUCTURE

In reply to **the Hon. COURTNEY HOUSSOS** (23 March 2021).

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

In December 2020, School Infrastructure NSW published an updated 2020 Delivery Strategy and the document was made available on the public website via https://www.schoolinfrastructure.nsw.gov.au/content/dam/infrastructure/general/documents/SINSW-2020-Delivery-Strategy_Dec-Update_resized.pdf.

Once statutory planning approvals and construction contracts have been awarded, completion dates will be communicated to the school community through project updates and made available on the School Infrastructure NSW website, in line with standard practices.

Deferred Answers

SCHOOL AND CHILDCARE CENTRE CYBERSECURITY

In reply to **the Hon. PENNY SHARPE** (16 March 2021).

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

I have been advised that the breach referenced in the question did not impact upon any New South Wales public schools or early childhood services.

The Department of Education has published Legal Issues Bulletin 41 - The use of closed-circuit cameras [CCTV] which provides advice and guidance to principals and workplace managers on the role and usage of closed-circuit television.

Within the department, the School Security supports schools regarding video surveillance equipment and does not advocate the use of cloud-based security systems for New South Wales public schools.

Early Learning and Childhood Centres' security arrangements are undertaken by service operators, and no unauthorised breaches have been recorded.

TALLAWARRA POWER STATION

In reply to **the Hon. ROD ROBERTS** (16 March 2021).

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

As advised, this question should be directed to the Minister for Energy and Environment.

PUBLIC SCHOOL FUNDING

In reply to **Mr DAVID SHOEBRIDGE** (16 March 2021).

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

Accumulated funds available across all New South Wales government schools as at December 2020 totalled \$1.49 billion, a decrease of approximately \$13 million from 2019.

In previous years the total accumulated funds balance had been increasing, including by an amount of almost \$196 million in 2019. The annual reduction in 2020 is therefore welcome progress in addressing this issue.

A key factor in this improvement has been a significant reduction in unspent consolidated fund revenue.

In 2020 the total underspend by schools against recurrent funding was \$17 million. This amount represents less than one fifth of one per cent of the total \$11.7 billion spending that is expected to occur inside the school gate in 2020-21. This is a significant achievement, made possible by the targeted assistance provided to support schools to plan out and make the best use of available resources, including accumulated balances, to deliver student outcomes.

Further support will be provided to schools as part of the School Success Model.

HOSPITAL STAFF PARKING FEES

In reply to **the Hon. MARK BUTTIGIEG** (16 March 2021).

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

Free parking for healthcare workers was introduced as a temporary measure in April 2020 during a very challenging time. The COVID-19 situation has eased across the State and activity in public hospitals has increased significantly. The provision of free parking impacts the availability of parking for patients, carers and visitors and it is appropriate that the temporary free parking arrangement cease in April 2021.

Arrangements for staff parking vary from site to site. Importantly, some staff will still be able to access parking at reduced weekly rates available under the previous arrangements.

BOOTI BOOTI NATIONAL PARK

In reply to **the Hon. MARK BANASIAK** (16 March 2021).

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

I am advised by the National Parks and Wildlife Service [NPWS] that the McBrides Beach four-wheel drive [4WD] trail was permanently closed due to ongoing and significant visitor safety hazards, and to protect park values.

I am advised that NPWS consulted stakeholders about the trail's issues and options were discussed, including permanent closure. All stakeholders, apart from 4WD group representatives, expressed support for permanently closing the trail.

NPWS held a site inspection on 5 December 2020. Representatives from 4WD clubs (Port Hunter and Manning Valley Great Lakes), MidCoast Council, Forster Local Aboriginal Land Council, NPWS Regional Advisory Committee, a local bushwalking club and long-term local resident were invited. No inducements were offered to participate in the site inspection.

I am advised that no one authorised, endorsed or encouraged the influence of views expressed by the stakeholders.

I am advised that the McBrides Beach 4WD trail permanent closure and rehabilitation work was completed on 15 February 2021. The vehicle trail will not be reopened. Public access to the beach is via the new McBrides Beach walking track, which is being well used.

MARK SCOTT REMUNERATION PACKAGE

In reply to **the Hon. WALT SECORD** (16 March 2021).

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

On 12 March 2021, Mr Mark Scott, AO, the Secretary of the Department of Education, announced he would take up the role of Vice-Chancellor at the University of Sydney from May 2021. Mr Scott is entitled to payment of any accrued entitlements (for example, recreation and long service leave).

FIREPLACE BAN

In reply to **the Hon. ROBERT BORSAK** (16 March 2021).

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

The Government has no intention to ban wood heaters. The Government recognises that wood heaters are a viable and cost-efficient form of heating for many people, particularly in rural areas.

The draft Clean Air Strategy has been released for public consultation via the Government's Have your say page until 23 April 2021. The draft strategy supports continuing existing management approaches that include better wood heater performance standards and regulatory, planning and education tools available to local councils.

The draft strategy has been prepared through extensive consultation with New South Wales Government agencies responsible for health, planning, transport, fire management and regional New South Wales issues, and takes into account previous public consultation via the Clean Air for New South Wales Consultation Paper and the Clean Air Summit.

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.

YANCO AGRICULTURAL HIGH SCHOOL

In reply to **the Hon. MICK VEITCH** (16 March 2021).

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

The project to upgrade the boarding facilities at Yanco Agricultural High School was announced in July 2020 with funding to plan the upgrade confirmed in the 2020-21 Budget. The project is at the Assurance Review stage.

The Department of Education is currently undertaking early planning for female boarding upgrades at Yanco Agricultural High School. This includes investigating the feasibility, costs and benefits, spatial requirements of upgrades and how they might fit within the wider Yanco Agricultural High School.

Once the planning process has been completed a business case will be submitted.

Updates regarding this project will be shared with the school community and made available on the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/projects/y/yanco-agricultural-highschool-upgrade.html>.

EDUCATION REFORM AND MENTAL HEALTH

In reply to **the Hon. PENNY SHARPE** (17 March 2021).

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

As of 8 March 2021, there are 1,129 school counselling positions in New South Wales public schools.

- 1,104.2 of the positions are filled; and
- 24.8 positions are vacant (2.2 per cent vacancy rate).

ENERGY POLICY

In reply to **the Hon. MARK LATHAM** (17 March 2021).

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

The Electricity Infrastructure Roadmap is the New South Wales Government's plan to coordinate private investment in generation, storage, firming and network infrastructure, and improve the affordability, reliability, security and sustainability of electricity supply.

KANGAROO CULLING

In reply to **the Hon. MARK PEARSON** (17 March 2021).

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

1-2 matters in relation to Kangaroo Licence to harm should be referred to the Minister for Energy and Environment the Hon. Matt Kean, MP.

BOX HILL AREA SCHOOLS

In reply to **the Hon. PETER PRIMROSE** (17 March 2021).

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

The Department of Education is aware of the significant urban growth in Box Hill and the broader North West Growth Area.

The department monitors population and development trends so that it can plan to meet enrolment needs in schools across New South Wales. To do so, the department regularly consults with relevant departments and agencies such as the Department of Planning, Industry and Environment and local councils.

The department uses numerous strategies to manage fluctuating enrolment demands in the short to medium term including enforcing the department's Enrolment of Students in New South Wales Government Schools Policy to restrict non-local enrolments, reviewing school catchment boundaries to improve utilisation across schools in a local area, and providing additional demountable facilities, including classrooms and specialist spaces as required.

In cases of sustained and stable enrolment increases, the department provides additional permanent facilities, or new schools, as necessary.

SEASONAL AGRICULTURAL WORKERS

In reply to **the Hon. ROD ROBERTS** (17 March 2021).

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

Following approval by the New South Wales Government, applications also require assessment and approval by the Commonwealth Government. This process is still underway.

The New South Wales Government has recently announced that it will subsidise the cost of hotel quarantine for seasonal workers by 50 per cent. This will help to reduce the cost burden faced by industry in bringing additional seasonal workers into New South Wales.

SYDNEY OPERA HOUSE

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

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

The Sydney Opera House regularly receives requests to project colour and images onto the sails to promote a community message or cause, and to mark national days of significance.

The sails were lit on Thursday 25 March 2021 to commemorate the bicentennial of Greece's declaration of its War of Independence.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

In reply to **the Hon. ADAM SEARLE** (18 March 2021).

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

This question should be directed to the Department of Community and Justice.

MOUSE PLAGUE

In reply to **the Hon. ROD ROBERTS** (18 March 2021).

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

1. The Government is acutely aware of the current impacts of mice on agriculture, households, commercial enterprises and hospitals in New South Wales. We are also aware of the physical and mental health risks of mouse plagues. A series of mouse control workshops were held in March and April in central and north-western New South Wales (Collie, Armatree, Coonamble, Burren Junction, Walgett, Baradine and Tooraweenah). The workshops were coordinated by Landcare with the

DPI Rural Resilience and Engagement areas providing support, along with input from GRDC, CSIRO and NSW Health. The workshops covered mouse monitoring and management and potential health issues associated with contact with mice and mouse management techniques.

2. Advice has indicated blanket aerial baiting of mice would not be an effective management strategy. In-crop baiting with zinc phosphide will be less effective where there is a lot of surface grain left in paddocks following the harvest of productive crops from last year. A more nuanced approach on individual farms is required with CSIRO, DPI and LLS all advising farmers to monitor surface grain and mouse numbers in the lead up to autumn sowing and to bait as required. Baiting at the time of sowing may be required on some farms and this can be highly effective as baited grain is likely to be highly attractive to remaining mice at this time. There are restrictions on aerial baiting of summer crops as bait may become lodged in seed heads and there are withholding periods for such baiting. Mice in paddocks is ultimately an in-crop management issue on individual farms and the focus of the Government is to keep track of bait supply and make sure that farmers are aware of mouse management approaches and bait sources.
3. Aerial baiting on farms would not help with the challenges of high mouse numbers in townships, including hospitals. Contrary to popular belief, mice do not move large distances between land tenures. Management of mice in buildings requires the use of traps and anticoagulant baits that are commercially available to the general public from a large range of suppliers.
4. DPI has been in regular contact with New South Wales farmers, LLS and the Australian Pesticides and Veterinary Medicines Authority to discuss bait permit applications and bait availability. This is to help ensure that the full range of baiting options is available to farmers for at least the next year, given that we may be looking at more bumper crops in 2021.

INVOLUNTARY TREATMENT PROTOCOL

In reply to **Ms CATE FAEHRMANN** (18 March 2021).

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

As Minister for Mental Health, I meet with the Chief Psychiatrist regularly and have discussed this matter with him. The 2014 communique provides guidance to mental health clinicians who are making decisions about involuntary treatment under the Mental Health Act 2007 regarding the "risk of serious harm" criterion. It makes no comment on forced medication.

The communique was written in response to a coronial recommendation following the inquest into the tragic deaths of Nicholas Waterlow and Chloe Heuston. It was written as a reminder to clinicians about good practice in determining risk of harm.

DOG PRONG COLLARS

In reply to **the Hon. EMMA HURST** (18 March 2021).

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

In New South Wales, the use of pronged collars may be considered a cruelty offence under the Prevention of Cruelty to Animals Act 1979 [POCTA] if it causes unreasonable, unnecessary or unjustifiable pain to the animal.

It is an act of cruelty under POCTA to unreasonably, unnecessarily or unjustifiably inflict an animal with pain. It is a cruelty offence if a person in charge of an animal fails at any time, where pain is being inflicted upon the animal, to take such reasonable steps to alleviate the pain. It is also a cruelty offence if a person in charge of an animal fails to exercise reasonable care, control or supervision of an animal to prevent an act of cruelty upon an animal.

The New South Wales Government is currently streamlining and modernising New South Wales animal welfare laws, in line with the commitment made under the Animal Welfare Action Plan. New legislation will be brought forward this year. The New South Wales Government is committed to consulting with the community before making changes to the laws.

WEE WAA HIGH SCHOOL

In reply to **the Hon. SHAOQUETT MOSELMANE** (18 March 2021).

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

There is no correlation between reports of health concerns at Wee Waa High School and the delivery of the Cooler Classrooms Program. The installation of air conditioning at Wee Waa High School, under the Cooler Classrooms Program, was scheduled to take place during 2020 but has been postponed pending the resolution of the current issues.

Temporary buildings, used at Wee Waa Public School to accommodate secondary students, are all air conditioned.

SCHOOL INFRASTRUCTURE

In reply to **the Hon. PENNY SHARPE** (23 March 2021).

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

Between January and August 2020 (when the DfMA prequalification scheme tender was released), School Infrastructure NSW [SINSW] consulted with industry via industry briefings, group feedback discussions and focused working groups with the objective of testing and promoting ideas that can help SINSW fast track the development of this initiative and to increase the capacity of New South Wales manufacturers to deliver school builds using this method of construction and manufacturing.

These sessions included a keynote address outlining SINSW's future vision for the procurement, risk allocation and delivery of projects, a panel discussion and interactive workshops with attendees. Feedback, both informal and through formal feedback channels, has been positive and demonstrates industry interest and willingness to engage.

Seven New South Wales based business have prequalified as DfMA suppliers.

SCHOOL POLICIES AND PARENTAL RIGHTS

In reply to **the Hon. MARK LATHAM** (23 March 2021).

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

I have met with the Hon. Mark Latham to discuss the matter he raised.

HOUSING SUPPLY AND HOMELESSNESS

In reply to **Reverend the Hon. FRED NILE** (23 March 2021).

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

I am advised:

Our Government is committed to delivering more and better social housing and supporting the New South Wales economy and jobs through economic stimulus across the State including to recover from bushfires, floods, drought and COVID-19.

The 2020-21 NSW Budget contains record funding for more social housing to safely house more families who are in need of a home. This includes almost \$900 million for social housing and homelessness services, including Aboriginal housing.

Despite this additional funding, at the beginning of 2021 the New South Wales Government and the Land and Housing Corporation had over 1,000 properties held up in the City of Sydney's planning system.

Questions regarding management of the referenced properties are a matter for the City of Sydney.

SEXUAL ASSAULT

In reply to **the Hon. ROD ROBERTS** (23 March 2021).

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

As the representative of the Minister in the Legislative Council, I enclose the following advice in respect of the question asked by the Hon. Robert Borsak, MLC.

BLUE FISH POINT RECREATIONAL FISHING ACCESS

In reply to **the Hon. MARK BANASIAK** (23 March 2021).

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

1. The Blue Fish Point area of Sydney Harbour National Park is frequented by rock fishers. The National Parks and Wildlife Service does not consider it a safe area for visitors due to the high, unstable ocean cliffs and wave impacted rock shelves. There have been fatalities recorded at the site as a result of people being washed off the rock platforms while fishing. In 2016, an 85 metre length of cliff face fell into the ocean without warning resulting in the prompt closure of two lookouts.
The closure and erection of fencing following the recent tragedy was done in the interests of public safety in accordance with an approved Risk Treatment.
2. The concepts originally prepared by "Cal Design" Landscape Architects were focused on the visitor precinct at North Head to improve visitor experience, public safety and access. The Blue Fish Point area was not considered as part of this design.
3. The \$3.8 million North Head Scenic Area upgrade is funded under the New South Wales Government's Improving Access to National Parks Program. The work is scheduled to commence this year following community consultation on the designs.

CATHOLIC METROPOLITAN CEMETERY TRUST

In reply to **the Hon. ROBERT BORSAK** (23 March 2021).

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

The Government tabled the Report on the Statutory Review of the Cemeteries and Crematoria Act 2013 in both Houses of Parliament on 19 February 2021 and it is now publicly available.

The Government is currently considering the findings and recommendations put forward in the report and is preparing its response.

The Government response will be released in the very near future.

Given the Government's response may have an impact on the provision of additional cemetery land in New South Wales, it has asked Catholic Metropolitan Cemeteries Trust to place work at Varroville on hold until a decision has been made.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:34): I move:

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

- (1) Private members' business item No. 1118 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the Sydney Metro Western Sydney Airport project;
- (2) Private members' business item No. 1138 standing in the name of the Hon. John Graham relating to a referral to the Independent Commission Against Corruption regarding the Riverina Regional Conservatorium of Music;
- (3) Private members' business item No. 1055 standing in the name of the Hon. Mark Pearson relating to a condolence motion for Helen Marston;
- (4) Private members' business item No. 1066 standing in the name of the Hon. Mark Buttigieg relating to a further order for papers regarding bushfire reports by Noetic;
- (5) Private members' business item No. 1113 standing in the name of the Hon. Mark Latham relating to the South32 Dendrobium Extension Project;
- (6) Private members' business item No. 1128 standing in the name of the Hon. Mark Banasiak relating to an amendment to the resolutions establishing the Portfolio Committees;
- (7) Private members' business item No. 1123 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding James Busby High School;
- (8) 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 modification;
- (9) Private members' business item No. 1099 standing in the name of the Hon. Sam Faraway relating to a condolence motion for the Hon. Ian Armstrong, AM, OBE;
- (10) Private members' business item No. 1133 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding offset requirements for projects associated with the Western Sydney Infrastructure Plan;
- (11) Private members' business item No. 1119 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the consultation paper entitled *Buying in NSW, Building a Future*;
- (12) Private members' business item No. 1105 standing in the name of Mr Justin Field relating to an order for papers regarding public forests;
- (13) Private members' business item No. 1110 standing in the name of the Hon. Adam Searle relating to an order for papers regarding demerger proposals for both the Snowy Valleys Council and the Cootamundra Gundagai Shire Council;
- (14) Private members' business item No. 1125 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Education - Key Facts document;
- (15) Private members' business item No. 1088 standing in the name of the Hon. Shayne Mallard relating to Women of the Year Awards 2021;
- (16) Private members' business item No. 1129 standing in the name of the Hon. Peter Primrose relating to "Racism Not Welcome" signage at NSW Parliament;
- (17) Private members' business item No. 1111 standing in the name of the Hon. Adam Searle relating to an order for papers regarding North Wilton;
- (18) Private members' business item No. 1136 standing in the name of Mr David Shoebridge relating to an order for papers regarding the administration of grants;
- (19) Private members' business item No. 1134 standing in the name of the Hon. Mark Buttigieg relating to a further order for papers regarding Councillor Antoine Doueiri, Mayor of Strathfield;
- (20) Private members' business item No. 1126 standing in the name of the Hon. Emma Hurst relating to animal abuse and working with children;
- (21) Private members' business item No. 1112 standing in the name of the Hon. Adam Searle relating to an order for papers regarding senior executive roles and remuneration;

- (22) 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;
- (23) 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;
- (24) 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;
- (25) Private members' business item No. 1135 standing in the name of Mr David Shoebridge relating to the demerger of the Snowy Valleys Council;
- (26) Private members' business item No. 1083 standing in the name of the Hon. Lou Amato relating to the Indigenous Police Recruitment Our Way Delivery Program;
- (27) Private members' business item No. 1124 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding utilisation rates of TAFE NSW;
- (28) 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;
- (29) Private members' business item No. 1101 standing in the name of the Hon. Sam Faraway relating to the Australian Street Art Awards 2020; and
- (30) 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 2021.

With respect to private members' business items at paragraph Nos (1) to (8) and (10) to (29) in the motion, the members with carriage of those motions have each given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Documents

SYDNEY METRO WESTERN SYDNEY AIRPORT PROJECT

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1118 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (23:42): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Transport and Roads; Transport for NSW; Sydney Trains; Sydney Metro; the Minister for Planning and Public Spaces; the Minister for Water, Property; and Housing or the Department of Planning, Industry and Environment relating to Sydney Metro Western Sydney Airport project:

- (a) the final business case for Sydney Metro Western Sydney Airport project;
- (b) all draft business cases for Sydney Metro Western Sydney Airport project;
- (c) any document, created since 1 April 2015, which details the costs and benefits of any rail freight or heavy rail connection to the proposed Western Sydney Airport;
- (d) all documents, created since 1 April 2015, regarding the acquisition of land in Orchard Hills and Luddenham for any transport project;
- (e) all documents, created since 1 April 2018, which identify potential future use of land surrounding the Orchard Hills metro station;
- (f) all documents, created since 1 April 2018, regarding the zoning or rezoning of Orchard Hills and surrounding suburbs; and
- (g) 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.

Mr President, I note that this is the first matter that is not procedural under your presidency, and I congratulate you on your office. At this time I do not expect to take my full five minutes in setting out the cause and the reasons why this is necessary. Needless to say, last Friday night I had a house meeting with 15 of the families who are set to lose their homes in the next six months, after the transport Minister signs a property acquisition notice, which will take them by force. They are some of the many people who are losing their homes right now to a variety of New South Wales government projects but specifically in transport projects.

When it comes to forced acquisitions of people's homes in New South Wales, right now we are taking them in record numbers. That is creating immense stress for those families. That stress has surfaced in this Parliament already, in budget estimates. What was novel about the Orchard Hills situation was the Government's decision to acquire 65 hectares of land, despite the Orchard Hills station only occupying four of those hectares, which invites the inevitable question as to what exactly is the Government's intention with the remaining 61 hectares. That is a question that those families have, a question they are right to ask, a question put to the transport Minister in budget estimates and a question that was greeted with contempt by him.

Had the Minister answered those questions with some modicum of respect, it might have given those families some comfort. Failing that, it has caused us to come to this House and exercise our strongest power to obtain these documents in support of all the families in Orchard Hills, Bringelly and Luddenham who are facing a variety of issues, such as property acquisitions, zoning decisions and the like, which are effectively "taking their wealth from them". Those are not my words; they are the words of the member for Mulgoa. The member for Mulgoa described her own Government's policy in this respect as "organised theft". That is what the member for Mulgoa has said her Government is committing on these residents. We have a responsibility to act on their behalf and seek answers that will assist them. We should do so especially ahead of the inquiry that is taking place by the transport committee and this House. On that basis, I commend the motion to the House.

The Hon. SCOTT FARLOW (23:45): The Transport cluster respects the power of the House to use an order for papers in exercising its functions, including as a House of review.

[An Opposition member interjected.]

Let me tell you, the Transport cluster obviously does because it has spent over 12,000 hours dealing with Standing Order 52 since 2019, which is the equivalent of at least 6.5 full-time public servants working exclusively on responding to orders for papers in one year without exercising any leave entitlements. This includes over 830 hours, or 118 working days, responding to the CBD and South East Light Rail order for papers; 850 hours, or 121 working days, responding to each of the Newell Highway procurement and WestConnex contracts order for papers; and 650 hours, or 93 working days, responding to the passenger service levy order for papers.

I note the interjections. Many of them have come from the Hon. Daniel Mookhey as part of the Mookhey wing and maybe even the slight annexe of the Graham wing just down the hall. Staff are already at capacity in undertaking their regular duties and any diversion of resources would likely cause significant disruption to their core day jobs, which are to maintain the public transport network and deliver key pieces of infrastructure to the community. Most importantly, I note that the scope of the order does not assist this House because the motion of the Hon. Mark Latham in substantially the same terms predates this motion. There was also a resolution of the House in December 2020 in substantially similar terms. Transport responded to a Standing Order 52 on Western Sydney Airport in December 2020 and again in February 2021. I invite the House to ask questions regarding that material before abusing this process and requesting even more material from Transport for NSW.

The Hon. DANIEL MOOKHEY (23:47): In reply: I am eager to say that I thank the Hon. Scott Farlow for his contribution.

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

The House divided.

Ayes24
Noes16
Majority.....8

AYES

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

Graham
Houssos
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato

Harwin

Mitchell

NOES

Cusack
Fang
Farlow
Farraway (teller)
Franklin

Khan
Maclaren-Jones (teller)
Mallard
Martin

Nile
Taylor
Tudehope
Ward

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

SYDNEY ROAD TOLL NETWORK

APRA MUSIC AWARDS

The Hon. JOHN GRAHAM (23:59): The Government recently celebrated its 10-year anniversary. However, that day also marked a much darker anniversary: 10 years of toll mania, which is the Premier's term, of course, not mine. The Government promised public transport but delivered toll roads. Over the past 10 years New South Wales drivers have paid \$14 billion in tolls. We are predicting it will rise sharply when drivers face the full impact of NorthConnex, the final stage of WestConnex and the Western Harbour Tunnel and Beaches Link. That is not to mention the fact that the future of tolls on the Harbour Bridge and the harbour tunnel are currently under consideration by this Government, as was made clear in the Transurban investor presentation in the past week.

Sydney's road toll network is one of the most extensive and expensive in the world. In the next few years Sydney will be ringed by 15 toll roads, strengthening its hold on its title as the most tolled city in the world. Those tolls are hurting families doing it tough and making it harder for truckies and tradies to do business. Tolls unfairly hurt some of the poorest suburbs in our city—places like Camden, Penrith, Liverpool, Fairfield, Blacktown, Campbelltown, The Hills and Wollondilly. The network of tolls across Sydney now, particularly if we move to these 15 toll roads ringing the city, acts as a tax on people in those areas who are accessing jobs in Parramatta or the Sydney CBD. They already pay the cost of the extra commute time; now they must pay a toll tax as well.

When Labor put out a call to drivers to submit their toll horror stories, a devastating theme kept appearing. In the midst of an economic crisis, people were having to quit their jobs because they could not afford to pay the toll bill for their commute. I have spoken to citizens and drivers who have been in that exact position because the tolls were too high, on top of their commute time. To add insult to injury, Sydney's toll roads increase in cost by 4 per cent a year—double or triple the rate of inflation. When the cost of tolls in Sydney's worst-affected areas already amounts to more than twice the weekly average household grocery bill, there is no possible justification for those increases. I welcome the fact that the House has had the tolling inquiry called to its attention tonight. It is an important inquiry of this House and I encourage the public to make submissions and to tell their stories. It will be important work that the House conducts.

On a different note, a year after a virtual ceremony, the APRA Music Awards recently made a welcome return as a live event in Sydney, the first major Australian music awards ceremony to do so since COVID struck. The awards were held on Wednesday 28 April, celebrating the achievements of songwriters who excelled in the past year. It was a great night for New South Wales songwriters. New South Wales ruled in the nomination stakes, with 54 per cent of the nominated songwriters. That is an incredible result. Some of the winners recognised as New South Wales songwriters included Joy McKean, who was awarded the prestigious Ted Albert Award for Outstanding Services to Australian Music; and the Midnight Oil song *Gadigal Land*, co-written by Rob Hirst, Gadigal poet Joel Davison and Bunna Lawrie, won the peer-voted APRA Song of the Year.

The Kid LAROI from Waterloo won Breakthrough Songwriter of the Year; The Rubens won Most Performed Alternative Work with *Live in Life*; the fantastic Morgan Evans won Most Performed Country Work for the fourth consecutive year; the phenomenal Flume and Vera Blue won for Most Performed Dance Work; Youngn Lipz won Most Performed Hip Hop/Rap Work; and Dean Lewis and Jon Hume won Most Performed Australian Work Overseas. Those wins helped confirm New South Wales as the songwriting capital of Australia. This is where the songwriters are. I congratulate APRA. The moment of the night was Uncle Allen Madden, Indigenous Elder, who has welcomed so many people to Sydney over the years, not singing but in spoken word performing the lyrics to *Gadigal Land* by Midnight Oil. It was a truly moving moment.

RELIGIOUS FREEDOM IN VICTORIA

Reverend the Hon. FRED NILE (00:04): I speak about the state of religious freedom in Victoria under Premier Daniel Andrews. I witness what is happening to my fellow Australians in the State of Victoria with considerable distress. Victoria has become a model of what we should avoid doing in New South Wales. For that reason, I summarise some key concerns about what is happening in Victoria. Victoria's current Government has a proven track record of bigotry shrouded in the language of pretend tolerance. The Daniel Andrews Government's "change or suppression" bill is the most draconian legislation of its kind in the entire world. It has been questioned by the Australian Medical Association and the Law Institute of Victoria. It specifically targets people of faith for things like prayer. It makes parents "domestic abusers" for simply counselling their own children, and it gives bureaucrats the power to police, control and re-educate faith communities. It is a textbook example of a tyrannical piece of legislation.

It is depressing that the bill was passed without any amendments in the face of a limp-wristed Opposition. The bill imposes massive criminal penalties on doctors, medical professionals, pastors, people of faith and parents for things as mild as giving advice, praying or engaging in conversations. A recent statement made by the Victorian Premier Daniel Andrews illustrates the plight that the State is in. He said:

Pride is not a cold acceptance; it's a celebration.

...

If you are a member of the LGBTI community, and there's someone in your life that you love – a partner or a friend – then do me a favour:

Next time you're on a tram in Melbourne, hold their hand.

Do it with pride and defiance.

Because you have that freedom.

And here in the progressive capital, I can think of nothing more Victorian than that.

If members think that is an innocuous statement that advocates tolerance, I ask them to try to imagine Daniel Andrews making the same recommendation to people of faith about how they should proudly express their lifestyles and worldview in public. Of course he would do nothing of the sort, and that is the very point. Laws that claim to make society more equitable, free and fair for a vocal minority are only ever directed at making life less equitable, free and fair for the majority. The net effect of those laws, putting aside how misguided they are, is that they create more confusion and oppression of speech, thought and, of course, religious practice. Those are fundamental human rights settled in international law.

It is not surprising that a State that can pass such a bill would be the death capital of Australia. In 2008, when Daniel Andrews was the health Minister, abortion up until birth was legislated in Victoria. Shockingly, he refused to allow amendments to be made to that law, including providing pain relief to a fetus that can feel pain while being dismembered during an abortion; rendering medical care to a child born alive as a result of a failed abortion; banning the practice of partially delivering a baby and then killing it; requiring mandatory reporting of suspected child abuse victims at abortion clinics; requiring information to be provided about the health risks of abortion; offering women impartial counselling on decision-making; and notifying the custodial parent of a child who is seeking an abortion. Those are all entirely reasonable amendments and yet they were blocked by the then health Minister and current Premier of Victoria.

I am informed that dozens of babies have been born alive and left to die since these laws were passed unamended in Victoria. In 2015 the Andrews Government's safe access zone legislation resulted in the criminal conviction of a sidewalk Christian counsellor. His work, which involved saving the lives of unborn babies and the mental health of their mothers, is now illegal. Victoria became the first State in Australia to legalise euthanasia in 2017. Daniel Andrews gave health Minister Jill Hennessy a hug when that bill was passed. None of this is motivated by the spirit of equity and respect. [*Time expired.*]

HUNTER POLICE AND EMERGENCY SERVICES

The Hon. TAYLOR MARTIN (00:10): In last year's budget the Treasurer outlined how the decisions that our Government had made previously meant that when the pandemic broke out we had the firepower to go big when it mattered. When things are going well, good governments stay disciplined. The Government had used asset recycling to strengthen our balance sheet, reduced wasteful spending and ran surplus budgets. This discipline means that even with the more difficult financial circumstances that we find ourselves in as a result of the pandemic, the Government is still able to invest in the frontline emergency services that matter, like NSW Ambulance, Fire and Rescue and the NSW Police Force.

The Hunter region is benefiting from this budget discipline and investment, with Medowie being selected for a new ambulance station under stage two of the Rural Ambulance Infrastructure Reconfiguration program to meet the increasing demand for ambulance services in the local area. This program will see an additional \$100 million to deliver upgraded, rebuilt or entirely new ambulance stations in rural and regional New South Wales. The Hunter benefited from the program's \$132 million first stage—the largest investment in NSW Ambulance's 125-year history—with Rutherford and Birmingham Gardens two of the 24 locations across the State that had their ambulance stations upgraded or rebuilt or an entirely new ambulance station built.

In the financial year 2020-21, the New South Wales Government is investing more than \$1 billion in services and capital works for NSW Ambulance, including \$27 million in funding for 180 new NSW Ambulance staff across New South Wales, delivering on our commitment to recruit 750 additional paramedic staff over four years. The new Medowie ambulance station will be tailored to meet the needs of the local community and support paramedics as they continue to deliver high-quality emergency health care. This is another example of how our Government is fulfilling its promise to improve health infrastructure across regional and rural areas and enhance the high-quality emergency medical care delivered to our communities. It means our committed paramedics will be better equipped and positioned to do what they do best.

Last week I joined the Minister for Police and Emergency Services, David Elliott, at Newcastle fire station at Cooks Hill to inspect the new \$2.3 million next-generation Bronto Skylift Ladder Platform, delivered as part of a \$34 million aerial replacement program. It is critical that firefighters in New South Wales have the best possible facilities and equipment to support their firefighting efforts so that the local community remains well protected. This truck's platform goes higher than any other ladder available in Australia. The ladder is designed to raise firefighters to elevated heights to perform rescues and to attend to fires and rescues in taller buildings, of which there are many more these days. In addition, 30 new permanent and on-call Fire and Rescue recruits will soon be joining local fire brigades following their recent graduation from the Fire and Rescue NSW Emergency Services Academy in Orchard Hills. These recruits will not only face fires. They are trained to respond to various incidents including medical emergencies, natural disasters, flood rescues, car accidents, environmental or hazardous material emergencies and even, in some circumstances, counterterrorism.

Fire and Rescue NSW received a record investment of \$900 million this financial year to support frontline firefighters in protecting lives and property and to continue being prepared for anything across New South Wales. Police officers perform a crucial role in protecting the community. The Hunter police district welcomed 17 new probationary constables who commenced duties last week following their attestation ceremony in Goulburn. These 17 officers will begin their careers at the Port Stephens-Hunter, Lake Macquarie, Newcastle City and Hunter Valley police districts. Some of the probationary constables have elected to come back to the communities where they have lived and others have moved to the Hunter for the first time. These additional police are part of the Government's commitment at the last election to introduce 1,500 extra police over four years to enhance community safety across New South Wales.

I pay tribute to Northern Region Commander, Assistant Commissioner Max Mitchell, who retired last week after 40 years as a New South Wales police officer. He made an incredible contribution throughout his career establishing the Police Transport Command, leading the New South Wales contingent during the 2011 Christchurch earthquake recovery as well as having a major impact in the Hunter where he spent most of his time as an officer. Last week he was appropriately marched out with a guard of honour of well over 100 officers, two mounted units, the Minister, the Commissioner of Police and PolAir. I congratulate him on his service with the NSW Police Force and wish him well in his retirement.

AUSTRALIANS IN INDIA

The Hon. SHAOQUETT MOSELMANE (00:15): The Morrison Government's decision to block Australians returning from India is appalling. It is an outrageous dereliction of duty to one's citizens. No self-respecting government would ditch its own citizens in the manner in which the Morrison Government has. It is a low act of cruelty and in breach of all civilised standards and international norms. I was not surprised to hear of this abominable, cruel decision taken by the Morrison Government. I remember the debate around bringing home Australians from China. The discussion rotated around dumping them hundreds of kilometres away from mainland Australia in detention centres on Christmas Island. The Federal Government is insulting to all Australians. Internationally, our name is mud.

Australians are a humane people. We care about others and we value all our citizens as Australians deserving protection. As Emeritus Professor of Medicine at UNSW, John Dwyer, argues in his article published on the *Pearls and Irritations* platform, we have "a moral responsibility to get Australians home". About 9,000 Australians are in India, including 650 who are listed as "vulnerable". They need our help. We have a duty of care to them as Australians, as we have to all Australians in Australia and abroad. We all appreciate the need to tread carefully to ensure that all measures are taken to prevent the spread of a more aggressive strain of coronavirus

taking foothold in Australia and prevent a third wave. We all agree on this. However, we must make decisions to ensure that the lives of all Australians are equally worthy of saving.

Instead of reaching out to Australians in India, the Morrison Government has threatened them with a \$66,600 fine or a five-year jail term if they attempt to enter Australia from India. Whilst the ban on travel from India is temporary and is due to expire on 15 May, the Government could decide to extend it. The truth is that no such measure had ever been applied by the Government to any other international COVID-19 hotspot. Former Race Discrimination Commissioner Tim Soutphommasane told *SBS News* there has been "an inconsistency" with how the Federal Government has treated arrivals from different countries during the pandemic. He stated:

When COVID-19 was raging last year in the United States, the UK and in countries across Europe, we didn't see a ban on arrivals of people from Europe, let alone criminal penalties being threatened to Australian citizens seeking to return home.

The Australian Human Rights Commission, an independent government organisation, said officials must publicly justify the new policy and show it is not discriminatory. Justine Nolan, a law professor and the director of the Australian Human Rights Institute at UNSW, stated:

They have taken it to the extreme—not only closing the door, but adding the potential fines and jail ...

I think we're not acting consistently with our international human rights obligations.

Australian citizen Mandeep Sharma is currently stuck in the Indian city of Kapurthala. He left Australia on 2 April to bury his father. Mr Sharma's return flight to Australia, scheduled for 7 May, was cancelled after the ban on flights from India was announced earlier in the week. He says the additional criminalisation measures are insulting. He told *SBS News*:

In our hour of need, [the Australian government] has abandoned and betrayed us ...

The Council of Indian Australians said there is a feeling in the Indian-Australian community that they have been unfairly targeted. The council's public officer Mohit Kumar stated:

It's a kick in the guts. It's un-Australian and it's unacceptable.

Federation of Indian Associations of NSW president, Yadu Singh, said some members of the diaspora have said they hoped the announcement was not part of any "racist dog whistling". Australian barrister, human rights and refugee advocate Julian Burnside said he was "horrified" by the Government's move to ban Australian arrivals from India, while renowned human rights lawyer Geoffrey Robertson, QC, said the ban on Australians returning from India because of COVID-19 is unconstitutional and made under "dictatorial power", not approved by Parliament and undermined rule of law. Former test cricket opener Michael Slater, who is attempting to return home from India, accused Prime Minister Morrison of having blood on his hands over the controversial travel ban. He tweeted:

If our government cared for the safety of Aussies they would allow us to get home. It's a disgrace!

Blood on your hands PM. How dare you treat us like this.

[Time expired.]

CANNABIDIOL OIL

Ms CATE FAEHRMANN (00:20): Last year I dislocated and fractured my shoulder, an incredibly painful thing to do, as anyone who has had similar injuries can attest to. After four weeks my pain had not gone away; likewise after eight. Being in constant pain is really debilitating. You cannot think of anything else and you will do a lot to be free from it. What surprised me was how inadequate the pain relief measures available to me were. Schedule 8 opioid drugs such as Endone knocked me sideways. I felt terrible. I could not think clearly. I was incredibly tired and it did not alleviate my pain. I have witnessed the damage that opioids cause, with my mother being horribly addicted to a cocktail of drugs after a horseriding accident left her with a broken hip when I was a young girl. She fought debilitating pain for decades and was prescribed everything from Endone to OxyContin to Tramadol, benzodiazepines and more—and a lot of it. The impact of these drugs on my mother and those who loved her was devastating.

I finally did find something that relieved my pain. It was not from the pharmacy. In fact, the simple act of me buying it was illegal. But, unlike opioids, this medicine had no side effects and worked fast. I am talking about cannabis or, more specifically in my particular situation, cannabidiol [CBD] oil. I have had people from all walks of life get in touch with me to tell me about their own experiences with cannabis and CBD oil. I have been told how CBD has helped improve their post-traumatic stress disorder [PTSD] symptoms, how it has reduced their epileptic fits, how it has helped alleviate chronic pain and how it has saved them from opioid addiction.

In fact on the weekend I spoke on a panel at the annual MardiGrass in Nimbin. A man approached me afterwards and told me his story of how much CBD had helped him. He was a veteran, a former member of the

Special Air Service who, along with many of his former colleagues, found CBD was the only thing that worked for his PTSD and other mental health issues arising from his deployment. But people have also contacted me to tell me how expensive and hard it is to access legally. A pensioner told me that they had been using cannabis oil to treat their transverse myelitis, a rare inflammatory disease causing injury to the spinal cord. Their prescription costs \$240 for 50 millilitres, when the maximum pension allowance in New South Wales is \$950 a fortnight. They told me how CBD oil helped to reduce constant leg spasms and was a huge improvement on Fentanyl, which had begun to lose its effectiveness as their tolerance to this drug grew.

While it is legal to obtain CBD in Australia through a prescription, finding a doctor or medical practitioner capable or willing to prescribe the medication is not easy. There are many barriers when it comes to prescribing CBD, like the costs, reporting requirements and a lack of research into applications and dosages for specific health conditions. Yet despite these barriers, more and more Australians are accessing CBD to help alleviate their anxiety, insomnia, PTSD, chronic pain, epilepsy, inflammation, osteoarthritis, nausea and much more. CBD is not only extremely effective—it is a lifesaver according to many people—but it is also an extremely safe substance.

The World Health Organization has found there was no evidence to suggest CBD had any abuse or dependence potential and that overall there was no evidence of public health-related problems associated with the use of CBD. Yet millions of people in this country are addicted to some extent to a myriad of prescription drugs and alcohol, often to deal with these very conditions that CBD is so effective in treating. My own experiences and those of so many others have alerted me to the enormous potential of CBD. Given the strain that our health and mental health systems are under and the potential that CBD has to alleviate some of that strain, I commit to doing what I can to ensure that this medicine is available cheaply and easily for those who need it.

NORTH COAST FLOODS

The Hon. BEN FRANKLIN (00:24): I want to discuss the March floods, which devastated communities across the North Coast and elsewhere in New South Wales. I extend my sincere thanks to local SES and other emergency services volunteers across New South Wales, as well as to those from interstate who came to help in our time of need. I also thank and acknowledge the members of communities from across the State who came out in their droves to help their neighbours, friends and total strangers who had been devastated by the disaster. Thousands of volunteers put their lives on the line to rescue others and many, if not all, did not give it a second thought. I also sincerely thank the approximately 9,000 SES volunteers in New South Wales.

During the disaster 11,274 requests for assistance were received and over 950 flood rescues were performed. However, it is likely that those numbers were far higher. At the peak of the crisis in March, over 28 evacuation centres had opened. At the beginning of the catastrophic 2020 bushfires volunteers from the SES, the NSW Rural Fire Service, and many other community and rescue organisations were saving families, homes and whole towns from disaster. Then, a little more than 12 months on, they were wading through life-threatening floodwaters to do the same thing. The devastation caused was widespread and touched the lives of people in Sydney as well as in the northern, southern and western corners of the State.

The North Coast was particularly battered, with parts of north-west New South Wales and the Nepean and Hawksbury areas of Sydney experiencing similar devastation. For example, on Saturday 13 March near Taree Sarah Soars and Joshua Edge watched their home swept from its foundations down the Manning River on what was meant to be their wedding day. Robert Quirk, a cane sugar and soybean farmer in the Tweed Valley, lost up to \$100,000 in crops due to the March flooding and the floods in December. For days on end some local residents in Kempsey were without power, landlines or phone reception.

In Telegraph Point near Port Macquarie the only service station, which is also a grocery store and a community hub, was inundated with over a metre of raging water, which lifted cars and destroyed the fuel bowsers. The owner, Dinesh, was devastated. This time last year in Rappville on the far North Coast the community was recovering from some of the worst bushfires it had ever seen. However, in March one would have needed gumboots and a boat to get through the town. As always I am in awe of the fact that when we see the worst in nature, we see the best in humanity. Throughout this natural disaster, people have given so much of themselves without asking for anything in return.

I am delighted to announce that a few days later Josh and Sarah, the couple whose home was washed down the river near Taree, were found a place to call home thanks to LJ Hooker Taree and the generosity of a local landlord. The Telegraph Point community also came immediately to service station owner Dinesh's aid and started the clean-up process to remove mud and debris and save anything in the store that was salvageable. The SES, the NSW Rural Fire Service, the NSW Police Force, NSW Ambulance, the NSW Volunteer Rescue Association, local councils and so many other volunteers were out in force day and night to save people and animals and deliver vital supplies to communities that had been cut off. On one day in Windsor, 70 pallets of food and necessities donated by Coles were delivered to families in need by helicopter and boat by The Hills SES, the NSW Rural Fire

Service and the NRMA. We are so lucky to live in a State where we can always rely on the emergency services to be there for us in our time of need. I am incredibly grateful to every organisation across New South Wales that is out in the community saving lives and supporting our towns.

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

Motion agreed to.

The House adjourned at 00:29 until Wednesday 5 May 2021 at 10:00.