



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 5 May 2021**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

Wednesday, 5 May 2021

**The PRESIDENT (The Hon. Matthew Ryan Mason-Cox)** took the chair at 10:00.

**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.

### *Motions*

#### **KEARSLEY COMMUNITY WORLD WAR II MEMORIAL PLAQUES**

**The Hon. TAYLOR MARTIN (10:02):** I move:

- (1) That this House notes that:
  - (a) on Tuesday 16 March 2021 Governor of New South Wales, Her Excellency the Hon. Margaret Beazley, AC, QC, unveiled new individual plaques at the Kearsley Community Hall dedicated to commemorating the service men and women from the villages of Kearsley, Abernethy and Elrington who served in the Australian Defence Forces during World War II;
  - (b) the Kearsley Community Dawn Service Committee had uncovered the identities of more than 100 local men and women, many of whom were never honoured or recognised at the conclusion of their service;
  - (c) the plaques are located on three World War II Benches of Remembrance that are located in the grounds of Kearsley Community Hall; and
  - (d) the plaques will commemorate the sacrifice of these men and women and ensure future generations are aware of their bravery demonstrated during World War II.
- (2) That this House acknowledges the outstanding work of the Kearsley Community Dawn Service Committee and congratulates the committee on its new memorial.

**Motion agreed to.**

#### **HUNTERNET CHAIRMAN'S AWARDS**

**The Hon. TAYLOR MARTIN (10:03):** I move:

- (1) That this House notes that:
  - (a) on Thursday 18 March 2021 Hunternet held its annual Chairman's Awards Dinner at Merewether Surfhouse; and
  - (b) winners of awards included:
    - (i) Excellence in Safety: Bryceson King (BAE Systems);
    - (ii) Trainee of the Year: Jack Harrison (GPW Security Screens);
    - (iii) Outstanding Achievement: Trainee: Beax Oakley (Hedweld Group of Companies);
    - (iv) Ivan Randon Award (Apprentice of the Year): Callum Ford (DSI Underground);
    - (v) Outstanding Achievement – Third Year Apprentice: David Hillard (Swanson Industries);
    - (vi) Outstanding Achievement – Second Year Apprentice: Cameron Bowman (Hedweld Group of Companies) and Benjamin Jaremus (RR Murphy);
    - (vii) Outstanding Achievement – First Year Apprentice: Peter Mossad (Compass Pools) and Lillian Spooner (Tull Electrical);
    - (viii) Export Award: Nupress Group;
    - (ix) Networking Award: Sharni Campbell;
    - (x) Rod Murphy Innovation Award: Underground Trade Services;
    - (xi) Harvey Knox Award: Leigh Bryant; and
    - (xii) Chairman's Business Award for Excellence in WHS: SRO Group.
- (2) That this House congratulates all winners of the 2021 Hunternet Chairman's Awards.

**Motion agreed to.**

#### **FLOODS AND ANIMALS**

**The Hon. EMMA HURST (10:03):** On behalf of the Hon. Mark Pearson: I move:

- (1) That this House expresses its distress at the suffering and deaths of wild and farmed animals displaced and drowned in the New South Wales floods.
- (2) That this House observes that societal change in recognising animal sentience, and increased empathy for animals as unique individuals, means that the deaths of wild and farmed animals in natural disasters are no longer reported merely as "environmental damage" or "loss of stock".
- (3) That this House praises:
  - (a) all residents, farmers, veterinarians, wildlife rescuers; and
  - (b) members of the wider flood-affected community who have banded together to rescue, save; and rehome injured, stranded, or drowning animals, such as:
    - (i) the Port Macquarie woman who kayaked over to an exhausted and wailing cow trapped in floodwaters, supporting the cow's head above the water until other locals joined the rescue effort;
    - (ii) the local residents, veterinarian and six Surf Life Savers at Old Bar Beach who pulled a cow to safety after she was found struggling in the surf;
    - (iii) Melinda Turner and her family who evacuated five horses from rising floodwaters at Fernbank Creek near Port Macquarie; and
    - (iv) the 3,300 members of the Facebook group "Mid north coast horse/livestock flood recovery!", a group dedicated to reuniting lost animals with their guardians.

**Motion agreed to.**

*Members*

#### **GOVERNMENT WHIP**

**The Hon. DON HARWIN:** I inform the House that this morning the Hon. Natasha Maclaren-Jones was re-elected as the Government Whip.

*Documents*

#### **UNPROCLAIMED LEGISLATION**

**The Hon. DAMIEN TUDEHOPE:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 5 May 2021.

*Business of the House*

#### **POSTPONEMENT OF BUSINESS**

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

That business of the House notice of motion No. 1 be postponed until 8 June 2021.

**Motion agreed to.**

**Mr JUSTIN FIELD:** I move:

That business of the House notice of motion No. 2 be postponed until 11 May 2021.

**Motion agreed to.**

**Mr JUSTIN FIELD:** I move:

That business of the House notice of motion No. 3 be postponed until the next sitting day.

**Motion agreed to.**

**Ms CATE FAEHRMANN:** I move:

That business of the House notice of motion No. 4 be postponed until 12 May 2021.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE:** I move:

That business of the House notice of motion No. 5 be postponed until 8 June 2021.

**Motion agreed to.**

#### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

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

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

**Motion agreed to.****ORDER OF BUSINESS****The Hon. NATASHA MACLAREN-JONES (10:23):** I move:

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

- (1) Private members' business item No. 999 standing in the name of Ms Abigail Boyd relating to the Protection of the Environment Operations Amendment (Clean Air) Bill 2021.
- (2) Private members' business item No. 855 standing in the name of Mr Justin Field relating to the (Petroleum (Onshore) Amendment (Cancellation of Zombie Petroleum Exploration Licences) Bill) 2021.
- (3) Private members' business item No. 1163 standing in the name of Ms Cate Faehrmann relating to the Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Bill 2021.
- (4) 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 Conservation of Music.
- (5) Private members' business item No. 971 standing in the name of the Hon. Adam Searle relating to the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021.
- (6) Private members' business item No. 1055 standing in the name of the Hon. Mark Pearson relating to a condolence motion for Helen Marston.
- (7) Private members' business item No. 1143 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the administration of Insurance and Care NSW (icare).
- (8) Private members' business item No. 1113 standing in the name of the Hon. Mark Latham relating to the South32 Dendrobium Extension Project.
- (9) Private members' business item No. 1150 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding Monaro Farming Systems.
- (10) Private members' business item No. 1141 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding aerial shooting of wild pigs.
- (11) Private members' business item No. 1161 standing in the name of the Hon. John Graham relating to Upper Hunter mining royalties.
- (12) Private members' business item No. 1154 standing in the name of the Hon. Tara Moriarty relating to the extension of the reporting date for the Portfolio Committee No. 1 inquiry into the Mutual Recognition (New South Wales) Amendment Bill 2021.
- (13) 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.
- (14) Private members' business item No. 1165 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding water modelling.
- (15) Private members' business item No. 1160 standing in the name of the Hon. Rod Roberts relating to an order for papers regarding an incident on Lockyer Street, Goulburn.
- (16) Private members' business item No. 1136 standing in the name of Mr David Shoebridge relating to an order for papers regarding Core Integrity.
- (17) 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.
- (18) 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.
- (19) Private members' business item No. 1126 standing in the name of the Hon. Emma Hurst relating to violence against animals and children.
- (20) Private members' business item No. 1088 standing in the name of the Hon. Shayne Mallard relating to Women of the Year Awards 2021.
- (21) 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".
- (22) 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.
- (23) Private members' business item No. 1129 standing in the name of the Hon. Peter Primrose relating to "Racism Not Welcome" signage at NSW Parliament.
- (24) Private members' business item No. 1164 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding the Special Commission of Inquiry into the Drug "Ice".
- (25) Private members' business item No. 1159 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding primary schools in Box Hill and Gables.

- (26) 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.
- (27) Private members' business item No. 1158 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Tallawong new primary school.
- (28) Private members' business item No. 1094 standing in the name of the Hon. Catherine Cusack relating to the Young Women's Leadership Seminar 2021.
- (29) Private members' business item No. 1140 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding the firearms registry.
- (30) 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 Doueichi, Mayor of Strathfield.
- (31) Private members' business item No. 1111 standing in the name of the Hon. Adam Searle relating to an order for papers regarding North Wilton.
- (32) 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.
- (33) 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.
- (34) 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.
- (35) Private members' business item No. 1101 standing in the name of the Hon. Sam Faraway relating to the Australian Street Art Awards 2020.
- (36) 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.
- (37) Private members' business item No. 1171 standing in the name of the Hon. Mark Buttigieg relating to a motion of recognition for former President Ajaka.

I indicate that it has been agreed that private members' business items at paragraph Nos (4) , (6) to (12), (14) to (35) and (37) will be considered in the short form format.

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

**Motion agreed to.**

### *Bills*

## **PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (CLEAN AIR) BILL 2021**

### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Ms Abigail Boyd.**

### **Second Reading Speech**

**Ms ABIGAIL BOYD (10:32):** I move:

That this bill be now read a second time.

No matter who we are or where we live, we all have a fundamental right to breathe clean air. From the Central Coast and the Hunter to Lithgow, Sydney and beyond, that right should be afforded to each and every community across our State. But right now the five remaining coal-fired power stations in New South Wales are exposing our communities to dangerous levels of toxic emissions. For too long these multimillion dollar businesses have profited, refusing to pay for new emission control technology while forcing communities to pay the price with higher rates of serious illnesses like heart disease, lung cancer and asthma. And it is not just people living nearby to the power stations who are at risk. Some of these toxic emissions travel over 200 kilometres, across Sydney and throughout New South Wales. That is why The Greens are introducing this bill. It is a simple bill that has a very clear intention: to protect people's health by ensuring that the remaining coal-fired power stations in New South Wales are made to clean up their act.

The bill does this by setting stricter limits on toxic emissions and effectively mandating the installation of emission control technology, which has long been standard across the United States, Europe and China. I thank those who have made themselves and their expertise readily available to my team and me in the creation of this bill, particularly Max Smith of Environmental Justice Australia and Brad Smith of the Nature Conservation Council as well as James Whelan, previously of the EJA, who first alerted me to the seriousness of this issue years ago. I also acknowledge the work of my colleague Cate Faehrmann, who introduced a prior iteration of this bill in 2018.

Air pollution from coal-fired power stations in Australia is a long-overlooked and very serious issue. We have known of the grave health impacts of particle emissions like these for decades. The World Health Organization, for example, has long advised that there is no safe level of particle emissions with a diameter of 10 microns or less—so-called PM10 pollutants. The body of evidence showing the link between the particular pollutants that this bill aims to restrict and the very serious health impacts such as stroke, heart attack, angina and cancer as well as asthma and other respiratory illnesses is overwhelming. These pollutants can lead to chronic lung disease, premature death and restricted growth in children. Children and elderly people are particularly vulnerable to air pollution.

University of Newcastle epidemiologist Dr Ben Ewald conducted an analysis in 2018 that found correlations between poor air quality and premature death, low birth weight and type 2 diabetes. Dr Ewald said that if the findings were applied to a New South Wales setting, it is reasonable to conclude that fine particle air pollution contributes to 279 premature deaths, 233 babies born at low birth weight and 269 new cases of diabetes every year. Dr Ewald's data is based on the reported air pollution levels from monitoring stations. However, New South Wales has a notoriously poor air pollution monitoring regime, having only recently agreed to install an independent ambient air pollution monitoring station at Lake Macquarie. Most pollutants are not required to be monitored or are only infrequently monitored at the power station stacks. As reported by EJA in its 2017 report "Toxic and terminal":

Coal-fired power stations emit more than 30 toxic substances that have serious impacts on the communities that live near them including heart attack, stroke, asthma, lung cancer, respiratory and cardiovascular disease, irritation of the eyes, nose and throat, choking and coughing, headache, general discomfort and anxiety, wheezing, colds, flu and bronchitis, coughing, shortness of breath, tiredness and nausea.

Where power stations exist, they are usually the main source of air pollution. In New South Wales we have five active coal-fired power stations: Eraring and Vales Point at the northern end of the Central Coast, on Lake Macquarie; Mount Piper near Lithgow; and Bayswater and Liddell—slated for closure next year—in the Hunter. In the Hunter Valley, EJA reports that 30 to 40 per cent of fine particle pollution is caused by power stations. People who live within 50 kilometres of coal-fired power stations face a risk of premature death as much as three to four times that of people living further away. The communities who live with these major polluters know that they are bearing the costs while private companies profit. They know that they are being let down by this Government and by the existing regulations. Central Coast resident and community disability advocate Gary Blaschke, OAM, has been calling for government action for years. At the Public Works Committee inquiry into coal ash he said:

... we are human beings, we are people who live in the area and, yes, if pollution was purple and we could actually see it, we would all be up in arms.

...

Vales Point ... recently got fined for not maintaining what they call its socks, the filters in the actual stacks themselves. So ... we have got private enterprise ignoring something for over 12 months, knowing full well that fine particles are getting out in the air, when we have got residential areas surrounding this particular power station ...

He continued:

I believe a lot of people are sweeping the issue under the carpet and that this needs to be exposed. At least say to both the Government and the operators that they have a responsibility, which they may not have when they first started ...

But the thing that upsets me the most is that, especially with Sunset International—who trades as Delta—they bought the whole power plant and its lands and its ash dams for \$1 million. They have only owned it for a few years and it was recently valued at \$140 million. This is a private company that is making millions and millions of dollars out of effectively contaminating the local area. They are not to fully blame; the Government is to blame because we did not do something about this years ago.

This is a public health issue. Speaking to EJA for the release of its People's Clean Air Action Plan in February, Dr Bob Vickers, a GP in Singleton near the Liddell Power Station, said:

I see patients presenting with serious health issues caused by air pollution from nearby coal-fired power stations, particularly kids with asthma, adults with respiratory diseases and heart disease, and pregnancy complications. I'm sick and tired of seeing patients with preventable diseases caused by toxic air pollution while the calls for governments and power companies to act are continually ignored. Improving the health of people living near coal-fired power stations ... should be a priority. I am extremely frustrated to see how our governments took immediate action regarding the COVID-19 pandemic, yet they continue to do nothing on the public health threat of toxic air pollution that kills almost 5,000 Australians every year. Our governments could so easily reduce pollution from coal-fired power stations and coal mines but instead they let these companies make record profits while we breathe in toxic air.

Again via the EJA, Hunter resident Bev Smiles from the Hunter Communities Network has detailed the environmental costs as follows:

There has been community concern about acid rain from the power stations, right out as far as Bunnan. There was a huge dieback event there a number of years ago where a whole lot of really big, mature yellow box trees died off. A lot of the local farmers believe pollution from the coal-fired power stations was one of the causes of that. The main fencing supplier in this region—Waratah—has developed a stronger wire to use on the top wire of fences because of the rapid deterioration of the steel in the fences in the Upper

Hunter. If it's doing that to fencing wire, what's it doing to the lungs of children who breathe it in every day? Here in the Hunter Valley we have one of the highest incidences of asthma in Australia. We believe that is because of the pollution from coalmines and the combustion of coal in this region.

I ask honourable members here how would they feel if their children were forced to breathe air that can eat through steel fencing wire? Do they think that is acceptable? Finally, I share the words of Charmian Eckersley, a resident of Eraring, detailing the daily actions that she told Environmental Justice Australia [EJA] she takes to live with the effects of Eraring's air pollution. She stated:

In the last four or five years I've noticed more fallout of particulate matter on the back veranda ... I wouldn't put out clothes without wiping the grime off the clotheshorse first. ...

I consciously shut doors and windows quite a lot, thinking to keep out the particles. My partner has got asthma. Now that I've been thinking about it a bit, it's probably not the best place for him to be living ...

...

People should be able to know, for instance, today is a really bad day for air pollution, today you should shut your windows, go somewhere else for the day, it's not a good day to be outside doing the gardening. Best to be inside.

It's basic, it's fair, it's really what our government needs to do for its people is look after their health.

Sydney is not immune to the toxic impacts of air pollution from coal-fired power stations. Most of the sulphur dioxide, nitrous oxide and particle pollutants in Sydney's air comes from power stations in the Hunter and Central Coast. Dr Ben Ewald's report into the health effects of coal-fired power stations demonstrated that pollution from coal-fired power stations caused 153 premature deaths each year in Sydney because of weather conditions and the pooling effect in the Sydney Basin. Let me be very clear: The costs of air pollution and these dreadful health impacts, including diabetes, stroke, cancer, low birth weight and respiratory and cardiovascular diseases, are all preventable by phasing out coal-fired power. But we cannot just sit around waiting for that to happen while people are getting sicker and sicker. We need better regulation in the interim. That is why The Greens are introducing the bill.

The bill aims to improve air quality in New South Wales by standardising allowable concentrations of emissions of air pollutants from the remaining coal-fired power stations in New South Wales. It sets allowable limits that must not be exceeded for nitrogen dioxide, nitric oxide, sulphur dioxide, solid particles and mercury. Currently under the Act the levels of allowable emissions for power stations are set by regulation and where no regulation exists they are set by licence. Regulations further divide different plants into different groups based on their date of commissioning. The result is that we have inconsistent standards for each of the coal-fired power stations in New South Wales. Under these regulations, Vales Point, for example, is allowed to produce 1,000 micrograms of the neurotoxin mercury per cubic metre, which is five times the 200 micrograms per cubic metre allowed from Eraring. The bill will correct these anomalies. All coal-fired power stations in New South Wales will be required to remain within consistent emission controls.

The bill amends section 128 of the Protection of the Environment Operations Act 1997 by the insertion of a new clause which states that the occupier of a coal-fired power station must not carry on any activity or operate any plant in the power station that causes or permits the emission of an air impurity in excess of the amount specified. For nitrogen dioxide or nitric acid, or both, that concentration as a nitrogen dioxide equivalent is 200 milligrams per cubic metre. Oxides of nitrogen are present in coal-fired power station emissions as either nitrogen dioxide or nitrous oxide. Nitrogen oxides have numerous impacts on human health, including on the cardiovascular and respiratory systems, and they exacerbate symptoms of asthma, chronic obstructive pulmonary disorder and other respiratory diseases. Currently, allowable levels of nitrogen dioxide from these power stations are between 1,100 and 1,500 milligrams per cubic metre, which is five to 7½ times higher than permissible levels in the European Union and China. For sulphur dioxide, the concentration limit prescribed in the bill is 200 milligrams per cubic metre.

Sulphur dioxide is emitted during the burning of fossil fuels, especially coal. Exposure to sulphur dioxide gas leads to chronic obstructive pulmonary disorder, bronchitis, stroke, cardiovascular disease and lung cancer. Current allowable emissions for sulphur dioxide of 1,716 milligrams per cubic metre are more than four times higher than allowable levels in the European Union and China. For total solid particles, the concentration limit under the bill is 20 milligrams per cubic metre. Total solid particles is a measurement of particulate matter—in this instance fine particulates, known as particulate matter [PM] 2.5, and coarse particulates, known as PM10. These particulates occur at every stage of the coalmining, transport, handling and power generation process and include the tiny particles of soot, fly-ash, dust and heavy metals that are emitted by coal-fired power stations. Because many of them are extremely small they can be inhaled deep into the lungs, where they act as an irritant or a carcinogen.

In 2010 the United States Environmental Protection Agency stated a causal link with early death, heart disease, stroke and congestive heart failure. It further linked particle pollution from coal-fired power stations with

cancer, respiratory inflammation, asthma and chronic obstructive pulmonary disease as well as developmental and reproductive harms. Studies published in the prestigious medical journal *The Lancet* link PM2.5 pollution with diabetes. Particulate matter limits in New South Wales vary from 50 to 100 milligrams per cubic metre—more than three times the allowable limit in China.

Finally, for mercury, the bill prescribes a concentration limit of 1.5 micrograms per cubic metre. Mercury is a neurotoxin. Only very low doses are required to cause serious health problems, including risks to cognitive and neurological development of children. Mercury is a persistent, long-term environmental pollutant and burning coal is one of the major sources of mercury pollution globally. The World Health Organization has listed it as one of the top 10 chemicals of major public health concern. It is not normally breathed in; it is normally ingested, especially via seafood or by digging in contaminated dirt and then touching your mouth, as children do. Children are especially vulnerable to the effects of mercury because their brains are still developing.

In New South Wales, Vales Point Power Station is currently allowed to emit 1,000 micrograms of mercury per cubic metre—a staggering 33 times higher than the allowable limit in China. It is unconscionable for the New South Wales Liberal-Nationals Government to fail to act to protect our community from the health burden of these emissions and refuse to require power station operators to clean up their act. These dangerous emissions could easily be reduced by up to 85 per cent if New South Wales coal-fired power stations adopted emission control technologies which have been standard inclusions internationally for 50 years. Controls can occur at pre-, in- or post-combustion stages.

Coal with lower sulphur content can be used and coal can be pre-crushed, combustion temperatures varied and solvents injected into the flame during combustion. Post-combustion technologies can dramatically reduce the pollution that comes out of combustion stacks. The use of sulphur oxide [SO<sub>x</sub>] or wet scrubbers, properly known as flue gas desulphurisation, would remove 99 per cent of sulphur pollution. Selective catalytic reduction would significantly reduce oxides of nitrogen and activated carbon injection would remove mercury.

At this point none of the five power stations in New South Wales uses any of these methods because we simply do not require them to regulate their toxic pollution to this extent. New South Wales power stations do use fabric filters to reduce particulate pollution but this is clearly not working as well as it should, given the high particulate levels still affecting New South Wales residents. According to the industry's own figures, during the 2020 financial year coal-fired power stations at Lithgow, on the Central Coast and in the Hunter Valley released more than 268,000 tonnes of toxic air pollution, including 102,000 tonnes of nitrogen oxides; 153,000 tonnes of sulphur dioxide; 1,312 tonnes of coarse particles, or PM10; and 358 tonnes of fine particles, or PM2.5.

Again, pollution reduction technologies that have been available for many years and that are frequently used overseas could significantly reduce power station emissions in New South Wales but they are not being used. These pollution control measures could save lives and safeguard the health of affected communities, yet the Government and the Environment Protection Authority [EPA] have not made New South Wales coal-fired power stations install them. Environmental Justice Australia's Director of Advocacy and Research Nicola Rivers publicly stated in 2018 that the EPA had effectively given coal-fired power stations a licence to harm our communities. The International Energy Agency recently noted that in those countries where air pollution is being controlled, strong government regulation is the primary reason.

The United States of America is a good example. The United States Environmental Protection Agency introduced limits in 1990 through the Clean Air Act, with decreasing levels of allowable pollutants in place from 1995 to 1999. The US EPA is required to set National Ambient Air Quality Standards to control pollutants considered harmful to public health or the environment—so-called criteria pollutants. Of the 328,720 megawatts of coal-fired capacity reporting their control technologies to the Energy Information Administration in 2005, 48 per cent have cooling towers, 31 per cent have flue gas desulphurisation equipment—known as scrubbers—and 100 per cent have particulate collectors.

Germany uses a multi-pronged approach to controlling air pollution, including setting strict emissions limits and mandating upgrades of all facilities to the best available technology through its Technical Instructions of Air Quality Control, known as the TA Luft. This contains provisions to protect citizens from unacceptably high pollutant emissions from installations, as well as requirements to prevent adverse effects on the environment. All Germany's black or hard coal-burning power stations are fitted with catalytic equipment to reduce nitrous oxide emissions—all of them. Combined with tight regulations to make sure this equipment is used at its greatest capacity, air pollution levels can be cut in half. This technology is available now and could be installed tomorrow on all five remaining coal-fired power stations in New South Wales if there was a legislative requirement and a financial incentive to stop polluting.

Let us take a closer look at our power stations. Vales Point, Australia's most urban power station, was sold by the New South Wales Liberal-Nationals Government in 2015 for \$1 million to Liberal Party donor Trevor

St Baker. It was valued shortly after at \$750 million. Taxpayers are funding a multimillion dollar upgrade to the ageing power station, without specific air pollution controls. EJA lawyers say that Vales Point already emits pollutant concentrations that dramatically exceed limits set by comparable countries like the USA and China due to inadequate pollution controls. Vales Point also enjoys an exemption from the stricter oxides of nitrogen standards applicable to other New South Wales coal burners, seemingly inexplicably. The national pollution inventory data shows that Vales Point Power Station emitted more than 38,000 tonnes of toxic air pollutants, including 18,000 tonnes of oxides of nitrogen, 20,000 tonnes of sulphur dioxide, 86 tonnes of large particles and 31 tonnes of small particles. The EPA has granted Vales Point two five-year exemptions from the emissions standard and is currently considering the company's application to continue over-polluting for another five years.

Eraring is Australia's largest coal-fired power station. Both the power plant and its massive coal ash dam are located in a residential area between Lake Macquarie and the Central Coast. Local communities already experience rates of respiratory disease much higher than the State average. Eraring has a fabric filter system installed on each of its generating units capable of removing 99.99 per cent of particulates and modified low NOx burners which help to reduce nitrogen oxide emissions by 40 per cent. It does not, however, have wet scrubbers for sulphur dioxide [SO<sub>2</sub>] removal or selective catalytic reduction for nitrogen oxides [NO<sub>x</sub>] reduction. Eraring's licence conditions set stricter stack limits than other coal-fired power stations in New South Wales for cadmium, mercury and particle pollution. But Eraring's emission limits are less strict than licence limits in China. Its reportable SO<sub>2</sub> and NO<sub>x</sub> limits far exceed all international limits, with its NO<sub>x</sub> limit being more than five times above the limits in the European Union and China.

There is no air pollution monitoring within 30 kilometres of the Eraring and Vales Point power stations, so it is impossible to know what concentrations of toxic pollution nearby communities live with. The New South Wales EPA justifies its refusal to establish monitoring stations near Eraring and Vales Point power stations by referring to a single short-term study several years ago that suggested pollution concentrations are generally less than the national standards. Eraring's neighbours regularly complain about local air pollution impacts. In September 2016 Eraring's massive ash dam dried out and coal ash blew over residents in Wangi Wangi and other nearby suburbs. It was only due to scores of complaints that the New South Wales EPA investigated. Origin was fined a paltry \$15,000. Former CEO of the NSW Conservation Council Kate Smolski said at the time that the fine "does nothing" as a deterrent and "tougher fines and stronger rules are needed". The Greens agree.

But Eraring and Vales Point are minnows in the pollution stakes compared with Bayswater. Its owner, AGL, has been described as Australia's single largest polluter due to the total toxic emissions from its fleet of coal and gas generators and its growing carbon dioxide [CO<sub>2</sub>] emissions. Communities as far away as Newcastle and Sydney are impacted by toxic emissions from Bayswater. The annual average concentration of toxic fine particle pollution in nearby Muswellbrook has exceeded the national standard every year since the Upper Hunter Air Quality Monitoring Network began monitoring PM<sub>2.5</sub> in 2010. Muswellbrook also experiences elevated concentrations of sulphur dioxide. In the past Bayswater management instructed its operators to blend coal in order to produce a lower estimate of stack emissions than is likely to be representative of annual emissions. Coal with higher sulphur content was burnt in units that were not being monitored. Bayswater's emissions limits are much less strict than those required in the European Union, China and the United States. The licence limits set for emissions of mercury are 33 times higher than those set in China and the EU.

Australia's oldest running power station, Liddell, also punches above its weight in the emissions stakes. Also owned by AGL and due to close in 2022—not before time—it produces two-thirds as much power as Bayswater and Eraring but about the same toxic emissions of nitrous oxide, sulphur dioxide and fine particle pollution. It has the highest sulphur dioxide emissions of any power station in Australia and yet has never installed any interventions to reduce these emissions, despite the known health impacts. Poor regulation, lax licensing conditions, regulatory failure and no publicly available monitoring data have meant that AGL has had no need to curb its pollution. It is not like it cannot afford it—AGL's 2020 profit was over \$1 billion—it is just that we did not make them. And this theme continues.

Mount Piper, known best for its water pollution, has emissions limits which meet the European Union limits for particle pollution but far exceed the EU and China limits for nitrous oxide, sulphur dioxide and mercury. Because the EPA conducts no monitoring of Mount Piper's emissions, or in nearby towns like Lithgow and Portland, Mount Piper's owner, Sunset Power, is allowed to self-report. These reports have been repeatedly demonstrated not to be credible. Based on the energy Mount Piper generates, emissions are likely to be 10 to 20 times higher than reported.

Profit is chosen over public health time and time again, and we are paying dearly. In the Hunter Valley, health care costs from damage caused by coal-fired power stations was estimated in 2015 by the Climate and Health Alliance to be around \$600 million per annum. The annual health costs of air pollution from coal-fired power stations across Australia has been estimated at about \$2.6 billion a year. Communities and governments

are meeting these costs while power companies are profiting. In New South Wales our load-based licensing fee system charges a fee to pollute. But that fee does not even come close to meeting the health costs of the damage these coal-fired power stations cause.

Doctors for the Environment Australia, as reported in "Toxic and terminal", estimates that in order to cover the health care costs, power stations would need to pay licence fees nearly 50 times their current levels. Current estimates of the costs of installation of best practice technologies used in Europe and China, which I have detailed, would be covered by less than one year of the estimated Hunter Valley health care costs. Over a 10-year period the sum paid out by power companies would be a fraction of the billions of dollars in costs carried by communities and the health budget. So this bill, aside from being a moral obligation, would also make sound economic sense.

We know that air pollution is a major health problem, and we know how to drastically reduce air pollution. So why does the Liberal-Nationals Government fail to act? I asked the Minister for Energy and Environment about air pollution during budget estimates hearings. He stated that he was "very aware of the impact" that particulate pollution "can have on human health" and that it was of "great concern." Yet despite that acknowledgment from Minister Kean, the draft NSW Clean Air Strategy released on 18 March 2021 is woefully inadequate. No-one is impressed by it. EJA lawyers, who have worked tirelessly to highlight the health impacts of coal-fired stations and to recommend science-based solutions, have been particularly scathing. They say:

The NSW Government's draft Clean Air Strategy does nothing to tackle the State's largest source of pollution—coal-fired power stations. It could easily have mandated that power stations install basic pollution controls required in most other regions, including the United States, European Union, and China, and cut toxic pollutants by more than 85 per cent.

It is dumbfounding that the Government has spent five years developing a "strategy" to reduce pollution and protect community health that merely maintains the status quo. In the five years that the community has waited for this strategy, coal-fired power stations in New South Wales have caused approximately 2,385 premature deaths, 37,910 asthma symptoms experienced by children and young adults and 2,250 babies to be born with low birth weight.

We have the capacity to fix this through this bill. The Minister stated that he wanted to see high standards applied to New South Wales power stations and to see those standards enforced by the Environment Protection Authority. I agree. What we currently lack in New South Wales are those high standards, and so I present to members a bill that provides them. It provides for technologically feasible reductions that are readily affordable for private power companies making huge profits, with the costs borne by polluters, not the community, and that are achievable now. All that is required is political will. Clean air is a fundamental human right. Community expectation is, rightfully, that everyone, no matter where they live, deserves to breathe clean air. This bill will ensure just that. I commend the bill to the House.

**Debate adjourned.**

## **PETROLEUM (ONSHORE) AMENDMENT (CANCELLATION OF ZOMBIE PETROLEUM EXPLORATION LICENCES) BILL 2021**

### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Mr Justin Field.**

### **Second Reading Speech**

**Mr JUSTIN FIELD (11:01):** I move:

That this bill be now read a second time.

A cloud of uncertainty has been hanging over the heads of the communities in north-west New South Wales for, in some cases, more than a decade. Twelve expired coal seam gas exploration licences have been sitting dormant over about 55,000 hectares of land between the Upper Hunter and the Queensland border. Why are they dormant? Because, for some quite inexplicable reason, when a petroleum exploration licence [PEL]—largely coal seam gas exploration licences in New South Wales—has expired and a titleholder has made a renewal application, section 20 of the Petroleum (Onshore) Act allows for the title to continue to be in force until the renewal is withdrawn or the renewal application is either accepted or rejected by the Minister.

None of these exploration licences is currently active because, despite the fact that the licences still have some effect, there are not actually any work plans in place for these licences. In many instances the companies have failed to meet their obligations under the work plans that were in place before the licences had expired. The communities of north-west New South Wales have been seeking a resolution to this entirely untenable position, in many instances for years and in some instances for more than a decade. They are asking the question: Why has petroleum exploration licence 6, held by Comet Ridge and covering Moree Plains, which expired on 8 December 2011, not been dealt with by the Government? Why has PEL 238, held by Santos and covering Narrabri and the

Pilliga Forest, which expired on 2 August 2016, not been dealt with—or PEL 1, held by Australian Coalbed Methane and covering Quirindi, Gunnedah and the Liverpool Plains, which expired in 2015; or PEL 450, held by Santos and covering Coonabarabran, which expired in 2006; or PEL 462, held by Santos and covering Dubbo, which expired in 2011?

Why have these PELs not been either rejected or renewed by the Government? The reason, of course, is that the New South Wales Government did not want to get up the nose of a major political donor. Santos is a major political donor to all of the major parties—federally, at least—in Australia. The Government did not want to cancel these licences, as it did with so many others across New South Wales in the period 2014-15; as it did on the North Coast after the Bentley Blockade, when it bought back the licences up there; as it did at Gloucester; as it did on the Central Coast; as it did in the Sydney Basin; and as it did in the Illawarra and on the South Coast, where so clearly those projects were always untenable.

The Government has held out hope of a massive industrialisation of the north-west of New South Wales, giving Santos, which is the predominant financial interest holder of these licences, the time to get its business together to try to work out whether it could find a way through the quagmire that was the Santos-Narrabri gas project. The Government has been complicit in giving an unreasonable free kick to Santos to manage that process. But, of course, the Government did not want to approve the renewal of these licences because it did not want to infuriate communities up there.

In the early 2000s through to the early 2010s those communities mounted quite an astonishing campaign for the protection of their land and water, traditional lands and the environment from an unreasonable set of laws in New South Wales that provide a totally unreasonable level of access and control to gas companies to be able to conduct exploration on private lands, often against the interest of landholders. To some degree, that was put to bed or at least quietened down by the gas plan announced in 2015 and the cancellation of many licences across New South Wales. But these communities in the north-west have been left with this totally unreasonable cloud of uncertainty. A gutless government has done nothing and these licences have literally hung over the heads of these communities and over farmland, water resources, Aboriginal communities and the environment for more than a decade, in some cases.

This bill seeks to correct the wrong. It makes clear that licences expire at the end of their term unless a decision to renew them is made and it makes clear that those licences that are in force because of a pending renewal that has not been dealt with will be, in effect, cancelled when this legislation becomes law. If the Government will not act, the Parliament can. I ask all members to support this legislation to do that and to give certainty to the landholders and communities of north-west New South Wales. This bill does not seek to prevent new licences from being issued. While I would oppose such a move, because I do not think it is in the interest of this State to see the industrialisation of any part of the State for the coal seam gas industry, the Government would not be restricted from doing so by this legislation. But it would need to do so proactively. It would need to reissue new licences and not hide behind a provision that allows it simply not to act.

A broad public and political consensus is growing for these licences to be dealt with by the Parliament and to be cancelled. In October last year the Hon. Adam Marshall, MP, the member for Northern Tablelands and Minister for Agriculture and Western New South Wales, told the *Moree Champion* that he had written to the CEOs of both Santos and Comet Ridge "imploping" them to relinquish the PELs. He said, "These three PELs have sat dormant across the landscape of Moree Plains shire for more than a decade now. Now is the time to remove that uncertainty and those companies, in light of the approval for the Narrabri Gas Project, should voluntarily relinquish those PELs because they are redundant." He went on, "They're called zombie PELs for a reason, because there's been no activity in them for the last decade."

The Moree Plains Shire and Dubbo Regional councils have resolved to oppose coal seam gas in their regions based on the known negative impacts on water supply to agriculture from coal seam gas exploration and mining. In December last year the Liverpool Plains Shire Council joined them by voting against coal seam gas in its shire and calling on the Government to extinguish zombie PELs. I note other councils have passed resolutions relating to coal seam gas exploration and mining, but I highlight those ones at the centre of those expired PELs in particular and in areas where Government MPs are the elected representatives for those communities. On Monday the NSW Farmers came out supporting the cancellation of the zombie PELs. Mr James Jackson, president of NSW Farmers, connected the issue to the Shenhua buyback last month. He said:

It was a case of the wrong mine in the wrong location for the Shenhua project. The ... PELs are also in inappropriate areas where gas extraction can have long term significant detrimental consequences for agriculture, water and the environment and they must be cancelled. We also must look to introduce a new process to ensure this does not happen again.

What does the NSW National Party itself have to say about the zombie PELs? At the NSW National Party State Conference in 2019, the Boggabri branch of the NSW National Party submitted a motion that called on the New South Wales Government to extinguish the expired zombie licences. That motion passed unopposed. It is

now a live issue in the Upper Hunter by-election because four of the petroleum exploration licences cover the northern part of the Upper Hunter electorate. I say to voters in that by-election to look very carefully at what the candidates are saying about the bill, about those zombie PELs and about the future potential industrialisation of that region for coal seam gas exploration and mining.

The reality is that the Upper Hunter electorate has some power here. A change and a move away from the Government in that by-election could see the numbers in the Legislative Assembly change to a point where legislation such as this bill could have a real chance of becoming law. The Upper Hunter electorate actually has a substantial power here to bring about a change in the future for its region and the whole of north-west New South Wales. It can be a renewable energy future, not more industrialised fossil fuel development. The Upper Hunter has a substantial power in its votes here. When I announced I would be bringing the legislation to Parliament this week, Shooters, Fishers and Farmers Party candidate Sue Gilroy said:

These zombie PELs pose a threat to agricultural land and groundwater resources. They need to move from "expired", to non-existent.

Independent candidate Kirsty O'Connell said the zombie licences "do nothing but create uncertainty and deter investment, which is the last thing the Upper Hunter needs as the world moves away from fossil fuels". Independent candidate Tracy Norman said she supported this bill. She said:

There is both an environmental imperative as well as an economic one to cancel these expired licenses. I agree with the government's recent decision to buy back the licenses and approval for the ... Watermark coal mine, however, it does not mitigate risk for investment in the Upper Hunter electorate without these 'zombie' PELs licenses also being cancelled.

Of course, the reality is that those licences cover the very same area that was recently dealt with by the cancellation of the Shenhua Watermark coalmine project. How absurd to go up there and stand on the Breeza plains with farming constituents, pay \$100 million to buy back that licence which the farmers have been opposing and campaigning against for so long, only to leave them with the uncertainty of coal seam gas exploration companies turning up the next day and knocking on their door saying, "Here's our powers under the law to come onto your land and explore for coal seam gas," and then potentially seeking to develop the coal seam gas production field over their land. How thoroughly absurd.

The Nationals have said something about this more recently than the quotes that I gave from the Hon. Adam Marshall earlier. In fact, when Deputy Premier John Barilaro was quizzed at Breeza as he announced the buyout of the Shenhua Watermark coalmine project, he indicated that the Government was in negotiations with Santos and suggested that it might be prepared to buy out some of the petroleum exploration licences held by Santos. That was followed up by The Nationals candidate David Layzell in the Upper Hunter, who indicated that he hoped to protect black soil country from the zombie PELs and also indicated that he would fight for all of them to be snuffed out. But, of course, we have seen the relative success, or lack of success, of this position even when taken by Ministers in this Government. The Upper Hunter electorate should be careful to read into that, given this Government's long track record of failing to deal with these PELs.

Going back to what the Deputy Premier had to say last month, I am not going to stand in the way of the Government coming to a negotiated settlement with Santos over those PELs, but I do not understand why it would propose paying compensation to Santos. The legislation is clear that the Government can choose not to renew an expired licence and no compensation is required to be paid under the legislation. The legislation makes no mention of compensation. In fact, when the Government cancelled licences or refused to renew licences on the South Coast, in the Illawarra, in the Sydney Basin and on the Central Coast, no compensation was paid. Some compensation was paid on the North Coast because the company up there was significantly further along with its exploration activities. I suggest that was some sign of goodwill, given the Government had given approval for the extensive exploration activities that had been conducted up there and the amount of money that had been put into that effort. But there is no right of compensation under this law.

If anyone deserves compensation, it is the communities who have lived with the uncertainty of those licences over their properties, over their water resources, over cultural land and over areas of environmental significance that they hold dear and treasure. I also warn the Government that it should be careful about picking winners here. Removing licences over some areas whilst leaving other communities exposed as part of a deal with Santos would be a mistake that would just see the land use conflict around coal seam gas continue in regional New South Wales. For those of us who have been around looking at this issue for the last decade, we all know just how powerful the issue is in regional communities. It has changed the outcome of elections on the North Coast—in Ballina, in particular. It has changed the outcome of elections in the Barwon electorate. It could well change or play a role in the outcome of the election in the Upper Hunter. If the Government does not get this right, the National Party could see itself going from currently a loss of six seats over the past three terms to even more than that.

Leaving the Pilliga Forest exposed to future coal seam gas exploration while removing the licences just from agricultural land would also be a grave mistake. Farmers, Aboriginal communities and townfolk know the complexity of the groundwater interactions with this industry, and they know that for this industry to be able to work—if, indeed, it is going to try—it will need to expand. It marches across the landscape. If one well starts to dry up in a couple of years, then they need a new well and then they need a new well. So the community understands the foot-in-the-door risk associated with this industry, and I say be very careful about removing some and leaving others. The community will not be fooled by that. The Government will not solve the social problem it has with this issue unless it cancels all of those licences.

I thank the community groups who have spent now, in some cases, a decade of their lives raising those issues with elected representatives and building consensus within their communities that they do not want those licences. We have seen that through the decisions of councils. We have seen that through the Lock the Gate community groups who literally went door to door and conducted surveys of every single person in their region to see if they want to see this industry proceed or not. It is the basis of the Gasfield Free community movement. You can still see the yellow signs everywhere out in north-west New South Wales. The "Lock the Gate" signs are synonymous with the CSG Free community movement. That is a genuine community movement, built on a genuine consensus that has been built through deep engagement from community members across all political instincts.

The Government has danced around this issue for so long. It has taken certain steps, and I acknowledge that. Ten years ago coal gas licences covered 75 per cent of the State. Today it is a fraction of that, but some of the most important agricultural land and water resources and our largest remnant contiguous forest and woodland, in the Pilliga Forest, is covered entirely by the remaining expired coal seam gas licences. Enough is enough. Communities have lived with this long enough. If the Government will not use the legislation and the powers it has to fix this for the community, the Parliament should. I commend the bill to the House. I look forward to a debate and a vote on the bill next week, hopefully, before the Upper Hunter by-election, so we can give certainty once and for all to communities across north-west New South Wales.

**Debate adjourned.**

## **COAL AND GAS LEGISLATION AMENDMENT (LIVERPOOL PLAINS PROHIBITION) BILL 2021**

### **First Reading**

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

### **Second Reading Speech**

**Ms CATE FAEHRMANN (11:21):** I move:

That this bill be now read a second time.

On behalf of The Greens, I am proud to introduce the Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Bill 2021 because mining for coal and gas in the Liverpool Plains has always been a bad idea. But that has not stopped this Government, largely at the hands of the National Party and the previous Labor Government, from trying to open up the Liverpool Plains to open-cut coalmines, underground mines and coal seam gas. I will explain why that has always been a bad idea. Undoubtedly, the Liverpool Plains is an area of world-class agriculture, consistently producing yields above the national average.

The fertile soils of the region combined with its favourable climate and unique aquifer system enables production of both winter and summer crops year in, year out. The agricultural value of the region to Australia is unarguable. Water also plays an incredibly important role in the plains and simply cannot be put at risk by coal and gas mining in the region. The aquifers and surface flows in the Liverpool Plains contribute to the Murray-Darling Basin. Any structural damage and pollution from mining, as demonstrated many times in the geologically similar southern coalfields, would be devastating for the food supply and for the purity and quantity of Australia's water systems.

I take members through the history of what the community has experienced over the past 12 to 13 years as a result of successive governments thinking it was a good idea to grant exploration licences to big coal and gas in that area. My information comes from the Caroon Coal Action Group's website—an organisation that has been fighting coal, largely, and gas for quite some time in that area. In April 2006 the New South Wales Labor Government issued BHP Billiton, via its shelf company Coal Mines Australia Ltd, a five-year coal exploration licence. BHP paid the Government \$100 million for the licence, with a promise of an additional significant contribution from BHP if approval to mine was granted. The exploration licence covered 344 square kilometres around Caroon. In August 2008 the Government issued an exploration licence over neighbouring land at Watermark to the company Shenhua. The company paid the New South Wales Government \$300 million for the

right to explore 195 square kilometres for coal, with a promise of a further \$375 million if approval to mine was granted.

The local community has been fighting proposals by Eastern Star Gas. In 2010 I visited farmers and local communities in the region. I stood on a porch with people from the local communities of Breeza and Quirindi. They talked to me about a proposal by Eastern Star Gas for coal seam gas wells in their area. Of course they were devastated about that and they rose up against it. Santos bought Eastern Star Gas, and then we saw the community develop a big campaign against the gas company's outrageous proposal that it was a good idea to drill or even explore for coal seam gas in the Liverpool Plains—let alone it thinking that dozens of well pads and coal seam gas production were good—with its incredibly fertile soil, largely due to water and the aquifer recharge in that part of the world. So they fought that as well.

Some of the other impacts, apart from those on the agricultural productivity of the area, are important and serious, including impacts on Aboriginal cultural heritage. I have met and spoken with members and representatives of the traditional custodians of the area, the Gomeroi people. I have heard their distress at the possibility of the destruction of their sacred sites as a result of coalmining in the area. In particular, I focus on Shenhua Watermark, recognising that after years of significant distress experienced by the community and the Gomeroi people the National Party finally made an announcement during this Upper Hunter by-election that it would buy out Shenhua Watermark in the area. It is a disgrace that that did not happen sooner. It is important to put that on the record because this bill will legislate to ensure that no more coal and gas mining can happen in the area—a certainty that we need.

Yes, the Shenhua Watermark project has been cancelled by the Government, but in the many years during which it hung over the heads of the local community it caused immense distress for the Gomeroi people after the Government approved the destruction of some of their most important sacred sites for the building of open-cut coalmines by Shenhua. The mines' construction would have resulted in the destruction of historically and culturally significant artefacts and sacred sites, in particular, two rare grinding grooves believed to have been used by warriors to sharpen their spears in preparation for battle. Affected sites also included burial grounds and male ceremonial areas.

In 2015 the Gomeroi people sought protection for the sacred sites but they were knocked back by both the State and Federal governments under so-called heritage protection laws. In 2015 Gomeroi people were in tears during the then Planning Assessment Commission's [PAC] hearing into the Shenhua Watermark coal project. They begged the Planning Assessment Commission to save the ancient grinding grooves and other Aboriginal sacred sites from the proposed Shenhua Watermark mine. However, the PAC gave approval for the grinding grooves sites to be relocated, a process that no mining company—in fact, no-one—has successfully achieved.

I remember speaking with Mitchum Neave, the local Gomeroi representative in Breeza. I thank him for his incredible advocacy in this area and his representation of his people to many people, including politicians like me who occasionally come into the area. One of these grinding grooves was pretty much the size of a double-decker bus and there is no way that it could be moved successfully. He told me how other grinding grooves had been moved by coal companies and had been just dumped in local parks with no sign and no protection. They were dug out from where they were and just dumped. Some had been found in rubble behind stations and areas where the mine had been built. There was complete disregard for it.

Imagine what would have happened for grinding grooves potentially the size of a double-decker bus being moved. These people were incredibly distraught. Dolly Talbott, a representative of the Gomeroi people and another champion of her people, in August 2019 filed proceedings in the Federal Court against the Federal environment Minister, Sussan Ley, after the heritage protection bid was rejected. The Minister made this decision despite acknowledging the measurable cultural value of the sacred places and objects under direct threat of destruction and desecration. At the time Dolly Talbott stated:

When we heard of the Minister's decision, there was a high level of confusion and disbelief ...

Does our culture, our spiritual and sacred places of Aboriginal heritage, mean nothing in this country?

In the end the grinding grooves were not saved by a planning system that puts Aboriginal cultural heritage above the profit of big coal and gas. They were not saved by a government that saw the injustice of what it was doing and what it was allowing Shenhua to do to the Gomeroi people. Really, they were saved by an Upper Hunter by-election. After so many years of the local community and the Gomeroi people begging for this area to be saved, they were saved really because of politics and because a political party wants to win an election. But here we are, and that is a good thing.

The cancellation and buying back of the Shenhua Watermark licence has of course been such an incredibly immense relief to the community, which has been fighting this for so long. But let us make sure that every party

puts its money where its mouth is when talking about guaranteeing to the people of the Liverpool Plains that it will protect their area from coal and gas in the future. Let us do that with this bill. Let us do it with legislation while we have the opportunity. Parliament sits this week and the next before that by-election. Members have that opportunity to put this in stone.

Another significant issue that would have been affected by Shenhua Watermark was biodiversity, particularly that of koalas. Gunnedah and the Liverpool Plains is known as the koala capital of New South Wales but numbers have fallen in recent years. In fact, during the koala inquiry that I chaired, and which members of this place were a part of, we heard that estimates suggest that up to 70 per cent of Gunnedah Basin koalas may have actually perished due to drought, heat, illness and road strikes. However, the Watermark project was expected to displace—in fact, relocate—some 260 koalas when it was approved in 2015. This is despite the New South Wales department of environment noting the translocation of koalas should be used in exceptional circumstances and not as a major mitigation measure because it can lead to significant deaths. The project was going to have a significant impact on koalas as well.

However, as I have indicated, the project has been cancelled. The Government agreed to pay Shenhua Watermark Coal \$100 million. This payout adds to the \$262 million already paid to the company by the Government in July 2017 in exchange for surrendering just over half of its exploration area. As a result of this 13-year battle, though, the community was placed under such enormous pressure. It created lasting damage. Some 42 farming groups and their families were removed from their land as a result of the project. Local services to the community were cut as the population shrank. Weed control was neglected on the leased land.

What we have seen—which, again, is a good thing—is that the Government has said, "Okay, let's get rid of this thing that has been hanging over our head for a long time: the Shenhua Watermark project." But the Liverpool Plains farming community is after more. It has demanded a ban on all coal and gas mining and exploration in the region. I have met Andrew Pursehouse, and as part of the New South Wales koala inquiry the committee visited his property. His property was on the edge of the proposed Watermark project and he has been one of the driving voices in the campaign against the mine. Recently in *The Sydney Morning Herald* he called for a ban on coal and gas so that, stating:

... in future years and for future generations, farmers won't have to go through what we have. We don't want to just get rid of Shenhua and then get Whitehaven or someone else putting their hand up for a mine.

Of course, we know that the coal and gas companies in New South Wales have very long arms that stretch into the parties, be it The Nationals, the Liberal Party and, indeed, the Labor Party. We cannot guarantee that those companies or others will not come knocking on the door of future governments or, indeed, this Government after this by-election. Here is what the National Party has had to say so far during this by-election campaign—or, at least, the Deputy Premier, John Barilaro. The day after the deal was announced, he joined Ben Fordham on 2GB. In relation to the announcement on Shenhua he stated:

There's no turning back. This is about banning and ending any chance of mining on the Liverpool Plains.

In fact, he assured the farmers of the Liverpool Plains that the Government will move to legislate the prevention of any future mining on the land. The bill before the House today actually includes the Whitehaven Vickery extension project—another coal project—because it also sits on the Liverpool Plains and has not in fact gone through all of the approval processes. But there has been no mention of the Vickery coal extension project by the Deputy Premier, something that is particularly distressing to the farming communities in the regions because of the impact on their water. There is no sign of legislation by this Government yet by the Deputy Premier. It is Wednesday; we have four parliamentary sitting days before the by-election.

The Vickery extension project has been approved by the Independent Planning Commission but is awaiting approval by the Federal environment Minister, Sussan Ley. Also, the project is currently facing an injunction in Melbourne's Federal Court to prevent the Minister approving it. The injunction has been brought on by a group of teenagers who argue that an approval would breach the Minister's common law duty of care to protect young people against climate change. That is also in the mix. I think the Deputy Premier potentially needs to have a look at the map of the geography of the Liverpool Plains because, indeed, the Vickery extension project is within that.

I also quickly touch on the Hunter Gas Pipeline. About 10 days ago I visited the Liverpool Plains region of Quirindi and made an announcement in relation to this bill. I met with farmers there who were very concerned about the Hunter Gas Pipeline going straight through their properties. Basically, the Hunter Gas Pipeline has not been approved but will run through more than 600 properties, many of which are farmland. It is proposed to be built on the shifting black soil of the Liverpool Plains. I have seen photos of what infrastructure such as pipelines has the potential to do in black soils such as those found on the Liverpool Plains. After heavy rains, massive erosion can occur. The soil shifts substantially and the result is not too pretty, in terms of what happens to those pipelines. Additionally, the Hunter Gas Pipeline project makes the threat of coal seam gas opening up once more

ever-present. If approved and built, the pipeline will stretch through the Wallumbilla Gas Hub near Roma, through the Liverpool Plains and on to Newcastle.

The Hunter gas zone report acknowledges the significant risks to the soil of building a pipeline on the Liverpool Plains. The bill provides certainty for farmers in relation to the Hunter Gas Pipeline and also ensures that no future gas projects are approved on the Liverpool Plains. If the Government and the Opposition are serious about protecting the Liverpool Plains, they should look at the Hunter Gas Pipeline. The community is incredibly stressed about the project. The bill introduced by Mr Justin Field would see all expired and unused petroleum exploration licences that are the subject of renewable applications cease to have effect and be banned from renewal. However, I note the distinction between that bill and my bill. Mr Justin Field's bill would bring an end to zombie petroleum exploration licences and active gas licences, which loom over communities with the threat of coal seam gas but do not deal with future applications for gas licences. My bill is restricted to the Liverpool Plains and legislates the wishes of the region's farmers and First Nations people to prohibit all new coal and gas mining and exploration.

I turn to the substance of the bill, which is fairly straightforward. The bill amends the Mining Act 1992 and the Petroleum Onshore Act 1991 to prohibit the granting of approvals for mining or mineral exploration or the granting of petroleum titles within the Liverpool Plains. Applications made but not finally determined before the commencement of this Act will be refused. If an authorisation has been granted but the holder of the authorisation has not commenced prospecting or mining operations, then that authorisation will be cancelled. Importantly, this would bring an end to the Vickery Extension Project on the Liverpool Plains, something the Deputy Premier has failed to mention on the Upper Hunter by-election campaign trail in his verbal promise to ban coalmining in the region. Importantly, the bill legislates that compensation will not be payable by or on behalf of the State as a result of authorisations revoked. The bill defines the Liverpool Plains area based on several consistent maps of the catchment, including the Shenhua zone. This area includes the local government areas of the Liverpool Plains Shire and the Gunnedah Shire and the towns of Boggabri, Rocky Glen, Bomera and Premer.

The bill will provide certainty to the communities and farmers of the Liverpool Plains and, more importantly, to the Gomeri people, who have had to live under the threat of Shenhua and the countless coal and gas licences that have been handed out across the region, which threaten their cultural heritage, country, land, water, plants and animals. I acknowledge the work of my former Greens colleagues in this place who have stood alongside the Liverpool Plains communities from the beginning. In around 2006 or 2007 Lee Rhiannon was the first member of the New South Wales Parliament to raise the concerns of the Liverpool Plains communities around the threat to the region. When I filled her casual vacancy, I met with local residents to hear their stories and I brought their concerns back to Parliament. My former colleague Jeremy Buckingham was then elected and took over the coal and gas portfolio for The Greens. He did a very good job representing the Liverpool Plains communities in that regard. I cannot introduce a bill banning coal and gas on the Liverpool Plains without recognising his extensive work and relentless attacks on the Shenhua Watermark coalmine.

Finally, I acknowledge some of the inspirational people and their families who live and work on the Liverpool Plains and who, for more than a decade, have been through so much distress. It has been a pleasure to meet them and support them where I could during their more than 12-year campaign. I thank Dolly Talbot, Mitchum Neave, Peter Wills, Nicky Chirlian, Rosemary Nankivell, Heather Ranclaud, Andrew Pursehouse, Susie Lyle, Hugh Price, John Hamparsum, Graham Norman, Tim Duddy and Jacinta Green—the list of campaigners goes on and on. I also thank the late George Clift, who was one of the first at the BHP blockade to "just say no" to its proposed mine. His wife, Tommy Clift, is still on the family property. I thank Lock the Gate, the Caroon Coal Action Group, SOS Liverpool Plains and the many other organisations that have done such incredible work over so many years protecting the Liverpool Plains.

While I thank those organisations for their work, I am also deeply sorry that their communities have had to go through some of the outrageous proposals by not only this Government but also the previous Labor Government. The Liverpool Plains region is one of the most fertile in the country. When I visited and touched its black soil I was gobsmacked that it could be considered ripe for coal and gas exploration, not to mention the potential damage such exploration would do to the cultural heritage in the area. And it is not just about the land, because fertile land is all about the water too.

I am sorry that for years community members have spent not just thousands of hours but also almost \$1 million to fight the proposed projects. They have had some wins because of their determination but if this bill is passed then that would represent a final victory for them. It would mean that something will not pop up in the future when there is no political imperative for other parties in this place to say, "Okay, this project is going to mean some royalties into this State. Let's approve it or have a look at it." I urge all members to support the bill. Next week I will bring it forward for debate and hopefully a vote so that members can finally provide certainty to the

wonderful Liverpool Plains community and the Gomeroi people that their land will be protected forever from coal and gas projects.

**Debate adjourned.**

*Motions*

**INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Reference**

**The Hon. JOHN GRAHAM:** I move:

That private members' business item No. 1138 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (11:47):** I move:

- (1) That, under section 73 of the Independent Commission Against Corruption Act 1988, this House refers to the Independent Commission Against Corruption [ICAC] for investigation and report:
  - (a) the circumstances by which the first stage funding grant of \$10 million and the second stage reservation of \$20 million for the Riverina Regional Conservatorium in Wagga Wagga came to be approved, including who was responsible for approving each stage;
  - (b) the role of the Premier in either approval;
  - (c) the circumstances by which the letter of formal approval for the second stage reservation of funding came to be issued on the letterhead of the Premier, but without the Premier's signature;
  - (d) the date on which the letter of formal approval for the second stage reservation of funding was signed by the Treasurer, noting the letter is undated;
  - (e) the circumstances by which the then member for Wagga Wagga, Daryl Maguire publicly announced that the second stage reservation funding would be approved, six months before it was approved;
  - (f) the Premier's failure to declare a conflict of interest whilst taking part in the approval of funding for the Riverina Regional Conservatorium project, despite her close personal relationship with Mr Maguire;
  - (g) the Premier's refusal to answer repeated questions concerning the Riverina Regional Conservatorium at the Portfolio Committee No. 1 - Premier and Finance, 2020-21 budget estimates hearing on 4 March 2021; and
  - (h) any related matter.
- (2) A message be sent to the Legislative Assembly informing it that the Legislative Council has this day agreed to the resolution and, pursuant to section 73 of the Independent Commission Against Corruption Act 1988, requests the Legislative Assembly to pass a similar resolution.
- (3) That in the event that the Legislative Assembly does not pass a similar resolution and inform the Legislative Council within two sitting days of receipt of a message from the Legislative Council; the Clerk is to communicate the resolution of the House to the Independent Commission Against Corruption.
- (4) That this House notes that:
  - (a) the Premier undertook a tour of the proposed Riverina Regional Conservatorium of Music project in Wagga Wagga in February 2017;
  - (b) on 16 February 2018, the then member for Wagga Wagga, Daryl Maguire publicly announced that the Riverina Regional Conservatorium would receive second stage funding, stating: "The conservatorium of music will receive funding to the value of \$10 million from the State Government to move into and refurbish this building in Wagga Wagga...", and going on to say... "and also in the near future receive further funding to build a world-class performance venue.";
  - (c) in evidence to the Public Accountability Committee on 1 February 2021 when asked about the second stage reservation of \$20 million Mr Chris Hanger, Deputy Secretary Department of Regional NSW said, "The Premier made that commitment.";
  - (d) the formal letter of approval for second stage reservation of \$20 million states that "the Premier and I have agreed to the reservation of up to \$20 million...";
  - (e) the Premier serves on the Expenditure Review Committee of Cabinet which oversaw the reservation of funding for the Riverina Regional Conservatorium;
  - (f) in evidence to budget estimates on 4 March 2021 the Premier said, "I would not have specifically approved that, no.";
  - (g) when asked if Daryl Maguire had discussed the second stage of the project with the Premier, the Premier said, "He may have, as do many members of Parliament on projects that are important in their electorates. I cannot confirm. I have no vivid recollection."; and
  - (h) the formal letter of approval for second stage reservation of \$20 million is undated, it was signed in response to a letter of 23 August 2018, and the funding was announced in Wagga on 24 August 2018.

This is a referral of the Premier to ICAC under section 73 of the Independent Commission Against Corruption Act in relation to the Wagga Wagga Riverina Conservatorium of Music. We know that between 2008 and 2018 Daryl Maguire made multiple public statements supporting additional funding for the conservatorium. We know that the conservatorium received \$10 million in 2019-20 from the Property NSW building refurbishment program. It then received \$20 million in reservation from the Regional Growth Fund, announced in Wagga Wagga on 24 August 2018. We know that it received more funding than all the other regional conservatoriums put together, as my colleague the Hon. Walt Secord has put on the record. We know that the Premier undertook a tour of the proposed Riverina Conservatorium of Music project in Wagga Wagga in February 2017. About that tour, the Premier said:

I do not recall it very specifically but I do recall being advised of the community's wish to have that funded. When she was asked at budget estimates who first raised the proposal with her, she said, "I could not remember." On 1 February 2021, in evidence to the Public Accountability Committee in relation to the approval of this funding reservation of \$20 million and the second stage reservation, the Department of Regional NSW Deputy Secretary, Chris Hanger, said, "The Premier made that commitment". We know that the formal letter of approval for the second stage reservation states, "The Premier and I have agreed to the reservation of up to \$20 million". We know that the Premier serves on the Cabinet Expenditure Review Committee [ERC], which oversees grant funding. We know that at the beginning of each session of the ERC the chair of that committee declares, "Does anyone here have any declarations that they would like to make in relation to any of the items before us?" We know that the Premier disputes the evidence in relation to the approval. On 4 March 2021, during budget estimates, the Premier said:

**Ms GLADYS BEREJIKLIAN:** I would not have specifically approved that, no.

The Premier disagrees with the evidence from the agency, disagrees with the Treasurer and disagrees with the Parliament's documentary evidence. I note that at no point has the Premier denied being on the Expenditure Review Committee. We know that the undated letter of formal approval for the second stage reservation funding was issued on the letterhead of the Premier but was without the Premier's signature. We know that the undated letter of formal approval for the second stage reservation was signed by the Treasurer but not by the Premier. We know that it was signed in response to a letter on 23 August 2018. We know that funding was announced the following day on 24 August 2018 in Wagga Wagga during the by-election. We know that on 16 February 2018 Daryl Maguire publicly announced the first stage funding and that the regional conservatorium would receive second stage funding.

They are facts on the record that the Parliament is aware of. There is a lot that we do not know about this deal. We do not know who approved it; there is an argument about that. We do not know who was right when the Premier disagrees with the evidence from the agency, disagrees with the Treasurer and disagrees with the documentary evidence. We do not know who finally approved this deal. I invite the Minister to clarify that. We do not know the date on which the undated letter of formal approval for the second stage reservation funding was signed by the Treasurer. We do not know how it happened that the formal approval for the second stage reservation funding was issued on the Premier's letterhead but the Premier never signed it. There has been no explanation as to how that could have occurred.

Most concerning is how Daryl Maguire was able to publicly announce that the Riverina Conservatorium of Music would receive second stage funding six months before the approval and in the near future would receive further funding to build a world-class performance venue. How did he know this six months prior? How was he tipped off? We do not know what the Premier and Daryl Maguire discussed about this project. On 4 March 2021, when asked if Daryl Maguire had discussed the second stage of the project with her, the Premier stated:

**Ms GLADYS BEREJIKLIAN:** He may have, as do many members of Parliament on projects that are important in their electorates. I cannot confirm. I have no vivid recollection.

We do know that the Premier failed to declare a conflict of interest while taking part in the approval of funding for this project despite her close personal relationship with Mr Maguire. That is the basis of this referral. I commend the resolution to the House.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (11:53):** In the brief time available to me I will respond to the comments made by the Hon. John Graham. A longer time would be required to cover all of the matters raised by the member. The funding for the Riverina Conservatorium of Music went through all of the appropriate processes at both stages. For example, as was noted by the member, for stage two it went to the Expenditure Review Committee of Cabinet before it was announced on 24 August 2018 by me. In the case of the Riverina Conservatorium of Music, the support allowed the continued existence of this institution. The conservatorium sought government support because it was being forced out of its existing leased site at Charles Sturt University.

The conservatorium supports a broad range of students, including school-aged students, across the entire eastern Riverina. It will assist in the musical literacy and hopefully in the future will incubate some of the best musicians to come from that region. The plans will transform the former Roads and Transport Authority registry building into a purpose-built tuition and rehearsal space along with administration and meeting facilities.

Government will continue to own the property. That is very important to understand. It means that capital works funding can be used as opposed to a grant to an organisation for premises that it owns. I suggest that answers many of the questions in relation to the amount of money being spent.

**The Hon. Walt Secord:** It does not answer anything.

**The Hon. DON HARWIN:** It does. It answers a great deal. What is possible in premises owned by government is very different to premises not owned by government. If you do not know that, you will never be a good arts Minister. In 2018 the Government committed to stage two of the project at the Wagga Wagga by-election. This is a government that keeps its promises to the citizens of New South Wales. The Government makes no apologies for supporting arts in the regions. We make no excuses for supporting important local cultural and educational facilities.

Stage two of the project involves the construction of a \$20 million purpose-built recital hall and ancillary facilities for the Riverina Conservatorium of Music. The public funding reservation for stage two was made subject to the full scope and cost estimates, which will also confirm the project timing. There is a reservation; there is, as of yet, no investment decision. The arts community in Wagga Wagga has been unanimous in its support of the projects. Conservatorium chair Dr Andrew Wallace said that it would be a "game changer" for the city. The conservatorium director, Hamish Tate, said that it would be "world-class cultural infrastructure for the whole community". In conclusion, this entire process of referral and the accusations of a conflict of interest prejudices an existing process at the Independent Commission Against Corruption.

**The Hon. MARK LATHAM (11:57):** I inform the House that One Nation will be supporting the motion for a referral to the ICAC. I acknowledge the extensive research undertaken by the Hon. John Graham and his effective use of the budget estimates to establish a series of serious issues which have been raised in private member's business item No. 1138. It adds to a bank of issues that should be on the table before the ICAC. I can say of the ICAC that it is not setting any land speed record for dealing with these serious issues of the compromise of the Premier. It has not said anything about her close personal relationship with Mr Maguire or the suggestion that she may have been engaged in covering up some of the essential features and information about her crooked boyfriend. It is a serious matter that should be part of the ICAC investigation. The ICAC has said for the last six months that it is conducting further investigative steps.

One can only assume it is a serious process and that there are so many issues—Maguire's overseas trips, the referral of staff matters in which the Premier was involved, the Cawdor land scandal, the Cobb Highway at Ivanhoe and now this one, the music facility at Wagga Wagga. There are so many matters that require further investigative steps about which the ICAC has taken six months or more. We should as a Parliament acknowledge that there are so many unanswered questions that go to the propriety of the highest office in the State Government. These are serious matters that require referral. It is the legitimate role of the upper House to pass them on to ICAC for investigation. At the end of the day we will see a report about Mr Maguire but one also feels, given the number of issues related to the Premier and her relationship with Mr Maguire, it will be a report that goes not just to the Maguire issues but to the Premier herself. Further investigative steps are certainly warranted in the matters that the Hon. John Graham has put before the House. He certainly has the support of One Nation.

**The Hon. WALT SECORD (11:59):** As the shadow Minister for the Arts, I wish to make a brief contribution to the debate and lend my support to the motion. This is a project that the Hon. John Graham has followed closely. No process was undertaken. It is a project whereby millions of dollars were handed to a community and in other communities regional conservatoriums had to beg for a piano.

**The Hon. Greg Donnelly:** Shame!

**The Hon. WALT SECORD:** Millions and millions of dollars were poured into this project without any process whatsoever. I am mindful of the time. I lend my support to this motion.

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

#### *Announcements*

### LEGISLATIVE COUNCIL PHOTOGRAPH

**The PRESIDENT (12:00):** I wish to advise members that a photographer from *The Daily Telegraph* will be in the gallery during question time.

### QUESTIONS WITHOUT NOTICE

**The PRESIDENT (12:01):** Prior to calling the Leader of the Opposition I advise the practices I will follow when presiding over question time. Firstly, I will continue with the rotation of giving the call followed by my predecessor; that is, I will give first call to the Leader of the Opposition followed by a Government member,

then the Deputy Leader of the Opposition, the crossbench, Government and crossbench, followed for the remainder of question time by Opposition, Government and crossbench. However, I expect all members seeking the call at the appropriate time to follow the usual practice of rising in their place and saying, "Mr President".

Secondly, in order to reduce the number of spurious points of order I will also continue the practice of my two predecessors of directing the clock to be stopped during points of order during question time only. Thirdly, while I am sure all honourable members look forward to a robust question time, I expect all members to uphold the dignity of the House and respect the rights of colleagues. I will not hesitate to call members to order if they are disruptive or engage in disorderly conduct.

**The Hon. Mark Latham:** Point of order: I seek clarification. I welcome very much your point about the dignity and respect of the House. In your new regime and outline of questions, will you be requiring members to be in the Chamber showing respect during question time for a substantial time before they are eligible to ask a question rather than the walk-in, walk-out practice, which brings no credit to this Chamber?

**The Hon. Adam Searle:** That is not a point of order.

**The PRESIDENT:** There is no point of order.

*Questions Without Notice*

**COVID-19 AND SCHOOL CLEANING STANDARDS**

**The Hon. ADAM SEARLE (12:01):** My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given the importance of keeping our schools safe from COVID-19, what is the Minister's response to parental concerns that her Government is slashing the cleaning services at 480 schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:02):** Mr President, this is the first question with you in the chair in question time. I thank the Hon. Adam Searle for his question about my response to parental concerns in relation to cleaning that is being done in response to COVID-19 in our schools. Of course, we in Education have been working very closely with our schools and with the Department of Health throughout the entirety of the COVID-19 pandemic in relation to cleaning and what is needed to be done, as well as any advice in relation to the measures that need to be put in place.

As I have spoken about extensively in this House on previous occasions, the department has provided a lot of sanitary items and enhanced cleaning, which is extra cleaning, to our schools. The advice that I have is that that is still in place. The member has indicated a number of schools that he believes to have had cleaning changes. That is not the advice I have. If he has specific schools he would like to raise with me, I am very happy to take that part on notice. But, as I said, my advice is that Education is continuing to provide extra cleaning. We are doing so related to the advice that we get from Health.

**The Hon. ADAM SEARLE (12:03):** I ask a supplementary question. Would the Minister elucidate part of her answer. If it is not 480, what is the number?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:03):** As I said, my advice is that the cleaning in our schools is continuing. As I also said, I am happy to take on notice the time frames of cleaning in our schools. The advice that I have is that the enhanced cleaning measures are in place until the end of this term. It is something that we have done throughout COVID. Members would be well aware that each term we update the advice and guidelines that have been going out to schools. We try to do that towards the end of term for the next team coming in. That has ranged from everything such as what activities are allowed, parents on school sites and enhanced cleaning. As I said, my advice is that enhanced cleaning remains in place until the end of this term. Obviously it will then be reset based on Health advice, which is what we have done throughout the pandemic.

**The Hon. COURTNEY HOUSSOS (12:04):** I ask a second supplementary question. Will the Minister outline when she will give the guarantee that the enhanced cleaning measures continue? Can the Minister guarantee that they will remain in place until the end of the pandemic and everybody is vaccinated?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05):** As I think I covered in my earlier response, we endeavour in every instance to update our school communities as often as we can about any measures related to COVID. As I said, we like to make it clear before the beginning of the next school term what we anticipate will be the case for that term. Of course, if things change mid-term we provide updated advice to our school communities. The Department of Education has been working very closely with the Department of Health from the beginning of the pandemic across a range of matters, including enhanced cleaning. The current advice—and keep in mind we are only a few weeks into term two—is that it will be in place

for the remainder of this term. Then it will be reassessed based on Health advice and we will communicate that to schools soon as we are able to.

#### FILM INDUSTRY

**The Hon. SHAYNE MALLARD (12:06):** My question is addressed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on the attraction of major films to New South Wales?

**The Hon. Walt Secord:** There is no funding for local films!

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:06):** That is just rubbish. The Hon. Walt Secord should ask me a question about it if he is so concerned. I am delighted to advise the House that the New South Wales Government recently secured the biggest film to ever be made in Australia and our State—*Mad Max: Furiiosa*. On 19 April I joined the Premier, the Treasurer and the Federal Minister for Communications; Urban Infrastructure, Cities and the Arts; the legendary writer, director and producer George Miller; and of course Chris Hemsworth to make this historical announcement.

*Furiiosa* is the prequel to the multi award-winning film *Fury Road*, which grossed \$375 million worldwide, and will tell the back story of the *Furiiosa* character who featured alongside Max in *Fury Road*. *Furiiosa* has been secured with the support of the New South Wales Government's Made in NSW fund, which received an additional \$175 million over five years in last year's budget. It will be the largest film ever produced in New South Wales, employing more than 800 New South Wales cast and crew and spending over \$350 million in the State on its production. This is the largest budget feature film we have seen in New South Wales and its post-production and visual effects work also will be carried out here in the State.

By comparison, in 2019-20 the Australian total in production of film and television drama—both local and international—was \$991 million. This film is almost a third of the budget and number of jobs of films produced in the whole 2019-20 year for the whole industry. In the same period, in New South Wales the production of film and television drama totalled \$475 million—the largest share in Australia. As at 30 April 2021, projects supported from the Made in NSW fund alone since November 2020, including *Furiiosa*, will leverage an estimated \$700 million in New South Wales production expenditure and will support over 5,000 local jobs. This is a shot in the arm for the New South Wales screen sector as it emerges from COVID-19 and as it cements its role as the screen capital of Australia. Pre-production is expected to commence in the coming months, with filming commencing in July. There will be extensive filming right across regional New South Wales, providing much-needed stimulus in regional towns. New South Wales is open for business and will continue to be the State of choice for Australia's screen industry.

#### COVID-19 AND SCHOOL CLEANING STANDARDS

**The Hon. PENNY SHARPE (12:09):** My question without notice is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. In light of the Minister's earlier answer, will she confirm to the House that by the end of this term it is expected that all enhanced cleaning across every school in New South Wales will be removed and we will be going back to the current arrangements where cleaners are given 15 minutes per classroom for cleaning?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10):** I will confirm what I said in my earlier answer. We will take advice from NSW Health in relation to additional cleaning measures that need to be in place in our schools. As I said, we have had them in place until the end of this term and then we will update that advice based on the advice we get from Health. As I said, we have done that throughout the pandemic. It is also important to make the point that, yes, enhanced cleaning, which has been in place in our schools since term two last year, has been based on the advice from Health in terms of what is needed to be done to help provide support to schools throughout the COVID pandemic.

As members would well know, enhanced cleaning is in addition to the existing daily professional clean that happens in schools anyway. Members would also know that cleaning is one element in the suite of measures that the department has put in place to ensure that schools are safe, clean and secure places for students and staff. We see that in schools and, frankly, we see that in the Parliament. We see extra cleaning, we see hand sanitisers, we see maintaining good respiratory hygiene, we see staying at home when sick. That is what we are asking people to do in the community. That is what we are doing in our schools as well.

We follow the advice of Health in relation to enhanced cleaning. We will continue to do that. We will be in a position later this term to indicate what will be in place for terms three and four, for the rest of the time, when we have that advice from Health. That is the system we have had since the beginning of the pandemic. I am not

going to engage in some kind of scaremongering that we will leave our schools or students vulnerable when it comes to enhanced cleaning. We will take the advice from Health in relation to any measures to do with COVID management in our schools, and that includes enhanced cleaning. We will provide that information to schools as soon as we are able to.

**The Hon. PENNY SHARPE (12:12):** I ask a supplementary question. I thank the Minister for her answer. Will the Minister elucidate the criteria with which enhanced cleaning will be removed, given the slow vaccination rates and the increased risks as a result of more people coming into and out of schools?

**The Hon. Damien Tudehope:** Point of order: That has to be a new question or, alternatively, repetitive. The Minister has been saying consistently that the manner in which the enhanced cleaning program will be delivered will be in accordance with Health advice. To ask the Minister now to elucidate an answer relating to vaccination rates or other criteria is in fact framing a new question based on new criteria and is in fact in many respects covered by the Minister's answer when she said she was acting in accordance with Health advice.

**The Hon. Penny Sharpe:** To the point of order: I apologise, I do not have the question written as it was a supplementary that I scribbled down. So, Mr President, you will not be able to read it. The supplementary question is very much in order because the Minister in her answer traversed enhanced cleaning and the need for advice in relation to that. I am seeking an elucidation about the criteria that will be used to remove enhanced cleaning, which the Minister did traverse in her answer. I believe the supplementary question is completely in order. I referenced vaccination rates and new risks, but I am seeking an elucidation of the criteria that will be used when enhanced cleaning is removed from schools.

**The Hon. Damien Tudehope:** To the point of order: Quite frankly that is a very obtuse way of trying to elucidate a different answer than the Minister has given previously. The Minister has given a clear and concise answer that the enhanced cleaning program will be guided by Health advice, and that should be the end of it.

**The PRESIDENT:** I refer to my predecessor's ruling in relation to supplementary questions and the three-step test, which members are very familiar with. Whilst I am at a disadvantage of not having the supplementary question before me, the three-step test makes it very clear and I will rely on that. The supplementary question must be accurately related to the original question. I think the answer to that is, yes, it is related to the original question. It must relate to or arise from the answer given by the Minister. I think the answer to that is, yes, it relates to the enhanced cleaning program and the standards to meet proper health standards. And it must seek to elucidate, and I think that is self-evident. I call on the Minister to respond.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:15):** As I said in my earlier answer, the decision around the continuation of the enhanced cleaning will be made based on advice from Health.

**The Hon. WALT SECORD (12:15):** I ask a second supplementary question. Will the Minister elucidate her answer in regard to what she described as "a suite of measures" and "enhanced cleaning"? What is actually meant and what do those measures comprise?

**The Hon. Damien Tudehope:** Point of order: This has to be a new question. The Minister was not asked previously about what enhanced cleaning entailed or in respect of the new suite of measures. I suggest that the articulation of what that means is a new question and a new suite of questions.

**The PRESIDENT:** The question is in order. I ask the Minister to respond.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16):** The member's question is in relation to when I said "a suite of measures". I will effectively repeat what I said earlier. As I said, cleaning is one element. Schools are also implementing a range of simple and practical infection control measures to maintain a healthy working and learning environment, including maintaining good hand hygiene through regular and thorough handwashing and the use of hand sanitiser; maintaining good respiratory hygiene through advising students and staff on covering coughs and sneezes; continuing to implement appropriate physical distancing measures proportionate to Health advice at the time, which is that physical distancing advice for children and adults is different; and staff and students are expected to stay at home from school if they are unwell.

The member also asked about the enhanced cleaning and what it involved. Enhanced cleaning is delivered as part of the daily cleaning of schools either in the morning before school starts or at the end of the school day. The cleaning hours at each school have been increased by approximately 25 per cent to enable this additional cleaning. The department, in partnership with the Public Works Advisory, which is responsible for the whole-of-government contract, quickly scaled up the existing cleaning regime to ensure that cleaners could meet

the demand. The enhanced cleaning focuses on cleaning additional hard surfaces that are touched regularly, for example, handrails, light switches, doorhandles et cetera.

On 24 April 2020 the Australian Health Protection Principal Committee released updated advice on environmental cleaning to reduce the potential risk of COVID-19 transmission in schools. At that point, additional day cleaning took place at every school, including additional cleanings of items such as toilets and bubblers, various touchpoints, taps and basins; replenishing soap and hand towels; and ensuring that high-touch surfaces such as balustrades and handrails in the playground and on stairwells, are wiped down with disinfectant. If playground equipment is open, it will be cleaned. The amount of time the cleaner is on site will vary depending on the size of the school. I think that answers the member's question.

### SEXUAL ASSAULT

**Ms ABIGAIL BOYD (12:18):** My question without notice is directed to the Leader of the House, representing the Minister for Police and Emergency Services. I wrote to Minister Elliott early last year in relation to New South Wales being the only jurisdiction in Australia not to record and report reasons for sexual assault allegations being withdrawn or discontinued. I received a response on 18 March 2020 from Mark Taylor, MP, Parliamentary Secretary for Police and Justice, on Mr Elliott's behalf, in which he states that the NSW Police Force's Computerised Operational Policing System does not have the ability to easily capture statistics on reasons sexual assault proceedings are discontinued or withdrawn and he added as an assurance that the NSW Police Force will continue to look at ways to improve its processes. It has been over a year since that correspondence. Has the NSW Police Force improved its processes in relation to recording this data? If not, why not?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:19):** A lot of material about what represents proper reporting figures has been canvassed in this place in recent times. I am not going to have a stab at this, unsurprisingly. Because the question is directed to the Minister for Police and Emergency Services, I will take the question on notice.

### CARRY FORWARD POLICY

**The Hon. SAM FARRAWAY (12:19):** My question is directed to the Minister for Education and Early Childhood Learning. How is the New South Wales Government ensuring that the record levels of needs-based funding provided to schools is invested in our students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20):** I thank the honourable member for his question. The New South Wales Government has made its commitment to sector-blind, needs-based funding clear. New South Wales was the first jurisdiction to sign the National Education Reform Agreement, also known as Gonski 1.0, with the Commonwealth Government in 2012. In 2018 we signed the National School Reform Agreement, or Gonski 2.0, committing an additional \$6.4 billion to New South Wales public schools over the lifetime of the agreement through to 2027. Our commitment to the funding model proposed by David Gonski is about ensuring that every student is supported in their learning. Through our resource allocation model, additional funding measures are in place to support the specific needs of individual students. This record investment in students is intended to lift outcomes and improve the educational performance of New South Wales schools. This level of funding has never been seen before.

To ensure that the desired outcome is achieved and that the funding is invested in the students it is intended for, the Department of Education has recently implemented a new Carry Forward Policy. With such significant levels of funding going to schools, greater support must be put in place to ensure that the investment is made in the current cohort of students. Historically, principals have pooled funding and rolled it over between years. This resulted in some cases in the targeted funding not delivering for the specific students. Principals can have confidence that our Government is committed to this funding model and will uphold our obligations. They need not worry about funding certainty year to year, as they have in the past, and they can invest their funding in the students it was allocated to.

The Carry Forward Policy will mean that the annual funding allocation must be invested in the year it has been allocated to and invested in those students. The policy brings together a range of initiatives implemented by the Department of Education in recent years to provide additional support to principals to invest this funding. The budgeting process has been simplified and there is greater support for planning of funding within the allocated year, with the spend directly linked to school improvement plans. Principals will be offered tailored and targeted support to ensure that they are making the best decisions in the interest of their students. This may be in the form of coaching, one-on-one budget support, development of financial action plans, or active monitoring. The support will also provide guidance to schools on evidence-based educational programs that the funding can be spent on or used to hire additional teaching or learning support staff. That is a critical point.

We must make sure that we use the evidence base that we have to support our schools to spend this money and to spend it well—such as on the educational programs that we know will lift student outcomes. As education Minister, I am certainly focused on that. Through the School Success Model we have made it clear that our intention is to lift student outcomes in New South Wales. As part of this push, we want to ensure that the fight to achieve this record level of funding delivers for the students. The model is based on the needs of this cohort of students, and we must ensure that support is in place to enable principals to make the right decisions to implement programs and initiatives.

#### **NGARABAL PEOPLE AND MOLE RIVER DAM**

**Ms CATE FAEHRMANN (12:23):** My question without notice is directed to the Aboriginal affairs Minister. During a hearing on Monday for the inquiry into new dams, we heard shocking evidence from representatives of the Ngarabal people of the upper Murray-Darling Basin about a massacre of Aboriginal people on the Mole River by rat poisoning. This was discovered only two weeks ago in manuscripts from 1841 by Norman Crawford and collaborated by colonial secretary records of the time. It was recorded that the Ngarabal people "died like rats" and it was covered up by authorities afterwards. What steps will the Minister take to ensure that this culturally significant site is not destroyed by the Government's proposed Mole River dam and that the truth about what happened to the Ngarabal people's ancestors on Mole River is told?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:23):** I thank Ms Cate Faehrmann for drawing this to my attention. I have not yet been briefed on that particular testimony at the hearing. These are absolutely tragic and distressing events. I will seek a briefing from both my Aboriginal affairs and heritage advisers and see what steps need to be taken.

#### **SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"**

**The Hon. WALT SECORD (12:24):** My question without notice is directed to the Leader of the Government, and the Aboriginal affairs Minister. Given statements by the State Government's ice inquiry commissioner, Professor Dan Howard, SC, expressing his deep disappointment about the Government's failure to respond to his more than 100 recommendations, particularly for more treatment services for First Nations communities, when will the Government respond to his important report on ice?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:25):** I will take the latter part of the question on notice and seek an answer about the timing. In terms of the first part of the question, it was a good report with many useful suggestions. At this stage our preference is to approach many of the problems that have been brought to our attention by a wide range of inquiries—not just the commissioner's inquiry but also the recent inquiry conducted under the chairmanship of the Hon. Adam Searle into Aboriginal incarceration rates and deaths in custody—through the prism of the Closing the Gap process, which we signed up to in July last year. We have responsibility to meet 17 important targets that capture many of the key issues confronting Aboriginal people in our State and around Australia.

The process of Closing the Gap has been underway for a year. The process is in partnership between the New South Wales Government and the Coalition of Aboriginal Peak Organisations, including the peak organisations that have responsibilities for Aboriginal health. We are working well together and co-designing an approach. Our key aim is priority reforms to change the way that Aboriginal organisations and government interact and approach problems. In turn, that will influence the way we adopt the 17 target areas—a number of which cover matters raised in the report. I give that information to the House by way of background, but I will be happy to seek a specific answer on the time line for the honourable member.

**The Hon. WALT SECORD (12:27):** I ask a supplementary question. Will the Minister elucidate his answer? He referred several times to 17 targets in relation to Closing the Gap. How many of those targets has his Government met?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:27):** Let me be very clear: We signed the joint National Agreement on Closing the Gap in July last year. If I did not make that clear in my answer, I should have. It is a 10-year process, so meeting those targets is something we have to do over the period. We are preparing an implementation plan to guide government work over that period. Obviously, the Government is not in a position to have met any of them yet because they are stretch targets that the Government is supposed to address over the next 10 years. We are establishing a baseline. We will then, through Treasury, evaluate all of our programs to see what we are doing well and what we are not doing well. We will then concentrate on the programs that will most effectively get us to the point where we are meeting our targets and closing the gap.

**The Hon. ROSE JACKSON (12:29):** I ask a second supplementary question. Will the Minister elucidate on whether, as Aboriginal affairs Minister, he accepts the recommendation made by Professor Howard that more support for Aboriginal services in the bush is necessary to meet the Closing the Gap targets? Has he made that clear as part of the whole-of-government response to the ice inquiry that is being developed?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:29):** The fact is in principle I accept that is right. There will need to be a better targeting of expenditure, particularly in regional New South Wales, to meet some of those objectives. But that is being worked through in the process of coming up with a joint implementation plan, involving both the Coalition of Aboriginal Peak Organisations and the New South Wales Government, with a view to most effectively addressing the 17 target areas.

#### PERINATAL MENTAL HEALTH

**The Hon. WES FANG (12:30):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the Government doing to provide perinatal mental health support for families in New South Wales?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:30):** I thank the Hon. Wes Fang for his question. Perinatal mental health can sometimes get lost in the bigger mental health picture, so today I outline to the House a life-saving partnership between the New South Wales Government, the Gidget Foundation and Sydney-based company Sonder. This new initiative, the Gidget Perinatal Support Centre, expands Gidget's services by linking expectant and new parents to specialised, 24/7, on-demand safety and wellbeing support via an easy-to-use app. If a mother or father is having problems or challenges with their new baby and they need urgent help, they can log onto the app and the Sonder support team can be reached by live chat or over the phone 24 hours a day, seven days a week.

The Sonder support team is made up of trained staff, and when necessary, through a GPS tracking system Sonder can also arrange in-person or emergency first responder support. All Gidget Foundation Australia New South Wales clients and expectant parents in New South Wales are being offered free access to Sonder via the Gidget Perinatal Support Centre, thanks to New South Wales government funding. In the first two weeks of the partnership the program has provided active support to more than 600 new and expectant parents across the State. People have reached out from Sydney and regional areas, including Griffith, Taree, Lithgow and Ballina.

The breadth and capacity of the program is particularly noteworthy. The centre has already supported a variety of issues from expectant and new parents. One mother recently, in the middle of the night, reached out for help from a Sonder nurse for breastfeeding advice. Another needed help connecting to the right prenatal care agency, and a third case involved a Sonder team member being deployed to support a mum in psychosis and arranging immediate care for her. Depression and anxiety can affect parents at any time but there is an increased chance during pregnancy and the year following the birth of a baby, which is referred to as the perinatal period. Without early intervention, it can affect not only the woman but also her newborn, her partner and her wider family. The services provided through Gidget complement the range of other NSW Health services designed to support perinatal mental health and wellbeing.

The New South Wales Government also funds Tresillian, Karitane and Wesley Mission's Mums and Kids Matter program, which is a terrific program in western Sydney that provides statewide access to support women and their children who experience severe and very complex mental ill health. The Government is very proud to support this range of perinatal mental health support services. I urge everybody in the Chamber to encourage people to reach out for those services. We know that they are a more vulnerable group and there is much we can do if we can provide early intervention. I encourage all members to talk to people that they know about this program. Let's keep smashing the stigma.

#### NORTH COAST WOOD SUPPLY AGREEMENT

**Mr JUSTIN FIELD (12:33):** My question is directed to the Deputy Leader of the Government in the Legislative Council and Minister for Education and Early Childhood Learning, representing the Deputy Premier and Minister for Regional New South Wales, Industry and Trade. Is there an existing agreement to extend the non-Boral wood supply agreements on the North Coast to 2028, and has this agreement been adjusted in light of bushfire impacts and the long-term ecological sustainable yield reassessment that was completed late last year?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:34):** I thank Mr Justin Field for his question. I am advised that following a detailed fire intensity mapping process and an independent review, Forestry Corporation recently released its updated 100-year wood supply models for hardwood timber yields from New South Wales State forests. Despite the impact of fires on the North Coast, the long-term sustainable timber yield for this region has declined by only 4 per cent. The model showed that the total

volume of timber produced on the North Coast today can be sustained over the long term. I am also advised that the Forestry Corporation is now beginning discussions with its customers to discuss the updated resource models and implications for ongoing timber supply. Those customers are looking for greater certainty so they can invest for the future. Mr Field asked in particular about the nature of any existing agreement. I will take that part of his question on notice and come back to him with a response.

#### SCHOOL INFRASTRUCTURE

**The Hon. MARK BUTTIGIEG (12:35):** My question is directed to the Deputy Leader of the Government in the Legislative Council, Minister for Education and Early Childhood Learning. Why has the Government hired and paid for a Brisbane-based EMM consultant to fly to Sydney and stay for five days to seek the views of Edmondson Park residents on a school the Government promised in 2018 but is yet to deliver?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36):** I thank the Hon. Mark Buttigieg for his question. I inform the member that the advice I have is that the process went through a competitive contract. It went out to tender and they were the successful applicants. My understanding is also that the work being done is a requirement for the building of a new school.

**The Hon. MARK BUTTIGIEG (12:36):** I ask a supplementary question. Will the Minister confirm that the consultant came from Brisbane and that it was a requirement of the scoping? As that has now happened, will the Minister elucidate on her answer by telling us when the school will be delivered? It has been three years since it was promised.

**The Hon. Sarah Mitchell:** Point of order: That is an entirely new question.

**The PRESIDENT:** I rule that the supplementary question is out of order.

#### DINE & DISCOVER NSW

**The Hon. NATASHA MACLAREN-JONES (12:37):** My question is addressed to the Minister for Finance and Small Business. Will the Minister update the House on the success of the Dine & Discover NSW program, which is supporting local communities like Strathfield?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37):** I thank the Hon. Natasha Maclaren-Jones for her question. One of the great success stories of the Government is the Dine & Discover NSW program, which has been a game changer for businesses and families in the community of Strathfield. What a community it is. I lived in Strathfield from the age of 20 to attend university. I purchased my first home in Strathfield and my office was located in Strathfield for more than 30 years. I also recognise the contribution of the previous Mayor of Strathfield, who is here in the House, the Hon. Scott Farlow. What a contribution to the Strathfield community he made.

Recently the Premier and I visited Strathfield to talk about Dine & Discover, and what a reception we received in that electorate. The Premier is a rock star there. It would be a great community for a new local member, potentially a new local Liberal candidate, someone with great local knowledge, ties to the area and a love of the Strathfield community. Who knows who that might be. We went to the Ice Kirin Bar, the Rusty Rabbit, the LAB Bakery and Rainbow Cakes in Strathfield. We also went to a bowling alley called Kingpin in North Strathfield. We went everywhere and we heard the same thing—how great the New South Wales Government is in steering this economy through the COVID pandemic. They were most interested in the fact that we were delivering Dine & Discover NSW. Interestingly, 36,528 residents of Strathfield have downloaded their vouchers, including four people who are over 100 years of age. That is fantastic. Some 33,984 vouchers have been spent at 135 local businesses registered in those local government areas, representing a total boost to the economy of \$1.13 million.

**The Hon. Walt Secord:** Point of order—

**The PRESIDENT:** The Clerk will stop the clock.

**The Hon. Walt Secord:** I am very concerned about this answer and the Minister. I hope that he has not admitted in this Chamber that he has contravened State privacy laws concerning the identity and personal information of those four people.

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

**The Hon. DAMIEN TUDEHOPE:** The Hon. Walt Secord knows that is not a point of order. You can call him to order for that, Mr President.

**The PRESIDENT:** I do not need guidance from the member.

**The Hon. Damien Tudehope:** Yesterday the rest of the world was on 4 May. We were stuck on 24 March. On 4 May, like every day, it would have been a great day to remind the House that members opposite have turned their backs on the workers of the galaxy. They are without a plan for the galactic economy, wandering in the metaphorical deserts of Tatooine. They are lost on the Dark Side and there they will remain.

**The PRESIDENT:** Sadly, the Minister's time has expired.

**The Hon. Damien Tudehope:** They may pretend that the Force is with them, but the people of New South Wales are with us and our plan for the economy.

**The PRESIDENT:** Order! Whilst the theatrics of the Minister are greatly appreciated, in future he will acknowledge the Chair and resume his seat when his time has expired.

#### **BLUE MOUNTAINS ZOO**

**The Hon. EMMA HURST (12:41):** My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the planning Minister. Why has an application for a zoo on environmentally significant land in the Blue Mountains been allowed to be lodged as a State significant development against the wishes of Blue Mountains City Council and local environment protection groups?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:42):** I thank the honourable member for her question, which she has directed to Minister Stokes, whom I represent in this place. I understand the proposal that the honourable member is referring to is for a \$110 million wildlife park and tourism development at 10 Great Western Highway, Wentworth Falls, in the Blue Mountains local government area. I am advised that the proposal meets the threshold of a State significant development [SSD], being a zoo with a capital investment value [CIV] greater than \$30 million and development for other tourist-related purposes with a CIV above \$100 million. Under the Blue Mountains Local Environmental Plan 2015, the site is zoned E2, environmental conservation, and zoned E3, environmental management. The proposed uses are permissible in the E3 zone but are prohibited in the E2 zone, so the proposed development would be partly prohibited.

Development consent may be granted for an SSD despite the development being partly prohibited. An SSD application has not yet been lodged. On 17 March 2021 the department issued the planning secretary's environmental assessment requirements [SEARs] for the preparation of an environmental impact statement. Under the planning framework, when a request for SEARs for a proposed SSD is made, the planning secretary will notify the proponent of the environmental assessment requirements. If an SSD application and environmental impact statement are lodged, the proposal will be publicly exhibited, at which time the community will have an opportunity to comment on it. The department will seek advice from all key government authorities and Blue Mountains City Council during the public exhibition period and will consider all issues raised in submissions as part of its assessment.

#### **CAMBRIDGE GARDENS PUBLIC SCHOOL**

**The Hon. ANTHONY D'ADAM (12:44):** Mr President, I do not usually smile but seeing you in the chair makes me smile today. My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that Cambridge Gardens Public School near Penrith has been broken into 19 times in the past two years, with the most recent break-in in April leaving its library trashed and unusable, why is the Minister letting down the students and parents of western Sydney by not building a security fence to protect the school?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:45):** I am a bit put off by the smiling. It is a little unsettling to see the honourable member smiling in this place. I am wondering what's coming next! I can advise that since 28 February 2020 Cambridge Gardens Public School has reported a total of 19 security incidents. These include break-ins, trespassing and vandalism. I can also advise that the school receives security guard services that respond to alarm activations and after-hours calls from the community, the provision of security patrols to address emerging issues and to minimise risk during the high-risk vacation periods, and static guard placements when required. The school security unit will continue to provide the school with advice and support to address any security incidents that arise and will work with the school to minimise the incidence of ongoing security issues. I can also advise that each financial year schools are considered for inclusion in the department's security initiatives. Cambridge Gardens Public School will be considered for inclusion in the 2021-22 security initiatives program, together with other schools throughout the State.

#### **MUSEUMS DISCOVERY CENTRE**

**The Hon. LOU AMATO (12:46):** My question is addressed to the arts Minister. Will the Minister provide an update on the Museums Discovery Centre in Castle Hill?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:46):** I thank the Hon. Lou Amato for his question. On 30 April 2021 I was delighted to join the Minister for Planning and Public Spaces, Rob Stokes, and the member for Castle Hill, Ray Williams, to announce that the expansion of the Museums Discovery Centre has received the green light to move into the delivery phase. This investment by the New South Wales Government will ensure that, when not on exhibition or display, the Museums Discovery Centre will be home to the entire Powerhouse collection. The expanded site will provide a 30 per cent increase in storage space at the facility.

The Powerhouse collection contains over 500,000 objects spanning disciplines including transport, architecture, fashion, decorative arts, engineering, health, agriculture, aviation, robotics, mathematics—the list goes on. The revered Powerhouse collection belongs to the people of New South Wales, and I am thrilled for the communities of the Hills shire that such a significant investment in arts and culture is being made in the community. The new state-of-the-art building, designed by New South Wales-based architecture firm Lahznimmo Architects, will also house flexible spaces for education and public programs, a photography and digitisation studio, workshop spaces, exhibition preparation spaces and, of course, conservation labs. In particular, I am excited about the spaces for the viewing of objects from the collection. It is already splendid at Castle Hill, and it will be even more so after the new work. More of the collection will be seen by more of the public. That is a wonderful outcome.

The investment also comes as welcome news to Powerhouse collection staff, who have long needed an upgrade to their working environment, which is sub-par and in some parts unsafe. The expansion of the Castle Hill site is a pivotal moment in the context of the wider Powerhouse program. By having the entire Powerhouse collection consolidated and cared for on one state-of-the-art site by Powerhouse conservators, we will ensure the safety of this much-loved collection at Castle Hill for decades to come. This is a great outcome for the people of Sydney and in particular for those in the Hills shire as it will create a nationally important cultural centre in their area. Early works are soon to commence onsite, and I look forward to the main works beginning later in the year.

#### **JEFF DRAYTON AND VALLEY LABOUR SERVICES**

**The Hon. MARK LATHAM (12:49):** My question is directed to the Minister for Finance and Small Business, representing the Treasurer. Is the Minister aware of an enterprise agreement for coalminers in the Hunter Valley signed by a Construction, Forestry, Maritime, Mining and Energy Union [CFMEU] official, Jeff Drayton, with a small business called Valley Labour Services, which is a shelf company with no assets and no workers? How badly did the enterprise agreement undercut workers' conditions with its introduction of casual labour with no permanent entitlements such as annual leave, long service leave and carer's leave and workers who could be sacked with just one hour's notice? How could Mr Drayton's enterprise agreement then be sold four months later to another labour hire company called One Key Resources for \$307,000?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:50):** This question gives rise to an exposure of, potentially, the rank hypocrisy of the Labor Party in relation to the whole campaign in the Upper Hunter. Those opposite cannot decide whether they represent Hunters Hill, Summer Hill or the Hunter Valley. What we read in *The Daily Telegraph* this morning has laid bare how the Labor Party has lost its way by supporting a candidate, in Jeff Drayton, who has previously sold casual mining workers down the Hunter River.

**The Hon. Anthony D'Adam:** Point of order—

**The PRESIDENT:** The Clerk will stop the clock. I have asked for that to be done automatically. To make members fully aware, I have asked for the clock to be stopped automatically on points of order.

**The Hon. Anthony D'Adam:** Question time is intended to be directed to Ministers in relation to their portfolio. I cannot see how this Minister is drawing a connection between the question and his portfolio.

**The Hon. Mark Latham:** To the point of order: I asked the question about a small business—a business that, in fact, was so small it had no assets and no workers. There were two signatures on a piece of paper—one of them Mr Drayton's—and it was sold for \$307,000. It is a small business that became quite successful and lucrative off the back of this shonky deal. The Minister should answer the question.

**The PRESIDENT:** The Minister is within order. Indeed, the question gives wide latitude and is within his responsibilities, particularly representing the Treasurer.

**The Hon. DAMIEN TUDEHOPE:** If it is to be accepted, it was Jeff Drayton who was instrumental in striking a union deal with a labour hire company that removed a prohibition on a casual workforce for coalmines, allowed casuals to be terminated with a minimum of one hour's notice and gave them no entitlement to annual leave, carer's leave or compassionate leave. If this was not bad enough, within four months of Mr Drayton striking

the enterprise deal with a labour hire firm, the firm and the rights of workers were sold for 30 pieces of silver, with a question mark over whether the CFMEU or Mr Drayton benefited from this sale. Now this man wants to run for Parliament to change laws which he is instrumental in delivering—to stop miners from being exploited! The hypocrisy of preselecting this candidate is rife. Where is the outrage of those opposite? If this was anyone other than a union-parachuted Labor candidate, the Hon. Daniel Mookhey would be shouting from the rooftops about the removal of workers' rights. I ask the Hon. Daniel Mookhey: Will you call for Mr Drayton to stand down as the Labor candidate?

**The Hon. Penny Sharpe:** Point of order—

**The PRESIDENT:** The Minister will resume his seat.

**The Hon. Penny Sharpe:** Question time is for the Government to answer questions, not ask questions. The answer that the Minister is providing is irrelevant. I ask that he be called to order.

**The PRESIDENT:** I ask the Minister to limit his rhetorical flourishes of that nature and bring himself back to the direct question.

**The Hon. DAMIEN TUDEHOPE:** What we should be doing is this: The Hon. Adam Searle should today slap down Mr Drayton when he says that the Hon. Adam Searle is most likely an inner-city greenie with no business telling Hunter people what to do when it comes to energy policy. He cannot do that because it is true. He knows that Labor says one thing in the city and another thing in the regions. Labor has abandoned the workers of New South Wales. If those opposite want to do something right for the workers of New South Wales, they will call for Jeff Drayton to step down and will support The Nationals candidate.

**The Hon. Adam Searle:** Point of order: The Minister has totally misrepresented our energy policy because his Government has nicked it.

**The PRESIDENT:** There is no point of order. The Minister's time has expired.

**The Hon. MARK LATHAM (12:55):** I ask a supplementary question. Will the Minister elaborate on the very interesting point he made that Mr Drayton has proposed legislation? Will he elaborate on the point he touched on that the legislation, in fact, is to control Mr Drayton's own behaviour in ripping off workers?

*[An Opposition member interjected.]*

**The PRESIDENT:** The Minister has the call.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:55):** I thank the member for the supplementary question.

**The Hon. Mick Veitch:** Are you going to ask Sidoti to resign?

**The PRESIDENT:** It is time for members to curb their enthusiasm and let the Minister answer the question. The Minister has the call.

**The Hon. Mick Veitch:** What about Sidoti?

**The PRESIDENT:** The Hon. Mick Veitch is on a warning. If he interjects further he will be called to order. I call the Hon. Mick Veitch to order for the first time. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The details of what is emerging in relation to Mr Drayton's behaviour—

**The Hon. John Graham:** At least we meant to preselect our candidate, unlike you.

**The PRESIDENT:** The Hon. John Graham should be well aware that all interjections are disorderly. I encourage members on both sides to let the Minister answer the question and not to interrupt. Just let things roll.

**The Hon. DAMIEN TUDEHOPE:** What is emerging in relation to the activity of this particular candidate who has been preselected by the Labor Party—we saw the photos. We saw the Hon. John Graham and the Leader of the Opposition all welcoming this candidate. By the nature and character of this candidate shall they be known. This is the standard that they are now adopting.

**The Hon. Sarah Mitchell:** Point of order—

**The PRESIDENT:** I call the Hon. Rose Jackson to order for the first time.

**The Hon. Sarah Mitchell:** I take a point of order in relation to the interjections coming from those opposite not only while the Minister is speaking but also while I am speaking now trying to take a point of order. The interjections, as those members well know, are disorderly and they should desist.

**The PRESIDENT:** I uphold the point of order. I know this is a rather exciting topic, so if members could curb their enthusiasm that would be most appreciated. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The reaction of those opposite in relation to this question absolutely speaks volumes. They know it is true. They know that this member of the CFMEU, whilst a member of the union, entered into an agreement with a shelf company to sell workers' rights and then, having sold those rights, onsold them to another company in the United Kingdom and then campaigned against that company. The hypocrisy of preselecting this candidate is absolutely on show. [*Time expired.*]

#### POWERHOUSE PARRAMATTA

**The Hon. ROSE JACKSON (12:58):** My question without notice is directed to the Leader of the Government and Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that photographic evidence provided by the Powerhouse Museum Alliance shows demolitions and renovations at the Powerhouse Museum occurring without proper covering, leaving exhibits covered in dust, what protocols are in place to protect the delicate heritage exhibits?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:59):** I thank the Hon. Rose Jackson for her question. It has been difficult to hear a large part of it simply because of the number of interjections. I am not sure that I will be able to give the full answer the honourable member would expect during question time. I will take on notice those aspects of her question that I did not hear and provide a response at a more appropriate time.

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

#### SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:00):** Earlier in question time I was asked about the ice inquiry and I provide some additional material. The New South Wales Government maintains its strong position of being tough against illicit drugs. The issues raised by the recommendations of the Special Commission Inquiry into the Drug "Ice" are complex. The Government is committed to developing a meaningful and substantial response to the inquiry's final report, which recognises the deep harm caused by illicit drugs and puts community safety first. More work is required to meet those important objectives. The Government remains committed to delivering a fulsome response to the inquiry and all of its suggestions that are relevant to the entire community, not just Aboriginal people, later this year.

#### *Supplementary Questions for Written Answers*

#### SCHOOL INFRASTRUCTURE

**The Hon. COURTNEY HOUSSOS (13:01):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. In relation to the question about the Brisbane-based EMM consultant, will the Minister elucidate her answer and provide how many other interstate consultants have been flown in as part of community consultations for building new schools?

#### *Questions Without Notice: Take Note*

#### TAKE NOTE OF ANSWERS TO QUESTIONS

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

That the House take note of answers to questions.

#### JEFF DRAYTON AND VALLEY LABOUR SERVICES

**The Hon. MARK LATHAM (13:02):** I take note of the very informative answer by the Minister for Finance and Small Business who set out the hypocrisy of Jeff Drayton. We see people in public life passing through with a fair bit of front. This guy has more front than Mark Foy's—

**The Hon. Penny Sharpe:** Point of order—

**The Hon. MARK LATHAM:** —and the embarrassment of Labor is clear.

**The Hon. Penny Sharpe:** This debate is about the take note of answers. It is not an opportunity for members to traduce a member of the public who has absolutely no ability to respond to the accusations being made. This is a serious take-note debate about the answers given by the Government. It is not an opportunity for members to dump on members of the public when they cannot respond to the accusations.

**The PRESIDENT:** The member is responding to the answer that was given by the Minister. The contribution is in order.

**The Hon. MARK LATHAM:** I am just pointing out the would-be gamekeeper is actually the poacher. Mr Drayton is setting a world first. He is hoping to come into this Parliament to legislate against his own behaviour. He says he is against casualisation and the undermining of entitlements. He does not like the idea that workers are paid below the market rate but that is exactly what he signed up to in this enterprise agreement on 7 February 2017. Jeffrey Drayton from Aberdare near Cessnock, which is the office of the CFMEU, with his mate Jono McTaggart—they knew each other at the Bengalla mine—signed an enterprise agreement for a shelf company that had no workers, no assets and no trading position. The only thing it had was these two signatures on the document. It subsequently sold for \$307,000. We know in the construction division of the CFMEU when they sell on an enterprise agreement there is normally something flowing back to the union or the official. It is an extraordinary deal to sell the workers down the drain. One only needs to look at clause 7.5.4 of the agreement:

Casual employees are not entitled to annual leave or any other forms of paid leave including ... to paid personal/carer's leave, paid compassionate leave and paid community service leave ...

And they are not entitled to long service leave administered in accordance with another clause. This aspirant to represent the people of the Upper Hunter has to be one of the greatest hypocrites we have ever seen. He must think he has no history. He is presenting himself like the Ronald Biggs of the Upper Hunter. He has got no history. Nobody knows where he has really been. We know where he has been—selling out the workers every time and most likely deriving a benefit.

#### JEFF DRAYTON AND VALLEY LABOUR SERVICES

**The Hon. DANIEL MOOKHEY (13:05):** I take up the invitation of the Minister for Finance and Small Business to fully place and endorse Jeff Drayton and his candidacy for the Upper Hunter. What won me over with Mr Drayton was his steadfast advocacy for all mining workers, full-time and casual, when One Nation and the Liberal Party conspired in the Federal Parliament to take away the rights won by Jeff Drayton and that branch of the CFMEU mining division, which led to a revolution in casual workers. Who was it that brought the case to the Fair Work Commission to ensure casual mining workers get paid every entitlement? It was Jeff Drayton as the vice-president of the CFMEU. Who was it that voted down to eliminate that win and to set back the cause of every casual mining worker and 1.5 million casual workers?

**The Hon. Walt Secord:** One Nation.

**The Hon. DANIEL MOOKHEY:** One Nation and the Liberal Party. As a result of One Nation falling apart in the Upper Hunter with their own former star candidate now campaigning against them, we are seeing this stunt, in conspiracy with the Hon. Damien Tudehope. I respect the craft. I just do not respect the credibility of those who are mounting this attack today. In truth, the Liberal Party, the National Party and One Nation are running scared of Jeff Drayton in the Upper Hunter because only Labor can provide a mining candidate for Macquarie Street. A miner should be in that seat. Let me just say that Jeff Drayton will vote for the Hon. Adam Searle's planning for job security in the mining industry—the same plan that Michael Johnsen and his Government voted against.

**The Hon. Adam Searle:** Hear, hear!

**The Hon. DANIEL MOOKHEY:** We will not be taking heed of any lectures about character from a government that put Michael Johnsen into Parliament. For the Government to have the audacity to come in here and launch this attack, under privilege, shows its contempt for the people of the Upper Hunter. It also shows that it has nothing positive to say about mining, mining jobs, job security or the security of everyone else working in any industry in that electorate. In truth, Jeff Drayton is worth more than a thousand Michael Johnsens and worth more than a thousand candidates who may be mounted by anyone on that side of the House.

#### SOLAR PANELS RECYCLING

**The Hon. ROD ROBERTS (13:08):** I take note of the answer provided to my written question No. 5312 on *Question and Answers Paper No. 466*, directed to the Special Minister of State, representing the Minister for Energy and Environment about the recycling and disposal of solar panels in New South Wales. Upon receipt of the Minister's answer, I was surprised and shocked to learn that the Government has no real plan on how to dispose of those panels once they pass their lifetime and are decommissioned. Since being elected to this place all I have heard from both sides of the Chamber is the environmental benefits of solar panels. If we are going headlong into a green renewable circular economy, which I hear so much about from the Minister, why are we dumping disused solar panels into landfill?

Professor Rodney Stewart from Griffith University has estimated that by 2050 we will have 1,500 kilotons of solar photovoltaic waste to dispose of. A study by the University of Technology Sydney estimates that New South Wales will have up to 2,700 tonnes of decommissioned solar panels this year. Professor Stewart says that is a problem because some of the elements in solar panel modules can be toxic and can leach into groundwater. Surely the Minister has a better disposal option than simply burying those toxic materials at the local tip. New South Wales is falling behind the rest of the world in dealing with the waste generated by the renewable energy sector. Victoria has banned the disposal of all parts of photovoltaic systems in landfill.

Considering Victoria has banned the disposal of e-waste, why does the Minister still think it is okay to bury toxic materials from the solar industry in New South Wales? The fact that New South Wales is dumping solar panels into landfill must be somewhat of an inconvenient truth for the Minister. He is constantly touting his green credentials and his obsession with 100 per cent renewables for New South Wales, yet he has no problem with burying the industry's toxic waste, possibly contaminating groundwater in the process. If the Government and the Minister are serious about creating a renewable circular economy, surely the current situation is a policy failure that must be fixed.

### **SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"**

#### **NGARABAL PEOPLE AND MOLE RIVER DAM**

**The Hon. PENNY SHARPE (13:10):** I take note of answers given today, particularly the answers given by the Hon. Don Harwin regarding the Special Commission of Inquiry into the Drug "Ice". After 15 months 104 of the commission's recommendations are still outstanding. This week the commissioner went public and said that he was very disappointed that after 15 months so little has been done. The Government seems to think that the matter is not urgent; that it does not matter that people are dying as a result of ice addiction across this State; that Aboriginal communities are being devastated; that violence, rape and sexual assault are occurring as a result of ice addiction; and that children are being neglected and harmed every day as a result of the scourge of ice. The only response the Government has given to this very serious matter is to say that it wants to keep the community safe and to give the police the tools to do their job. There are still no drug courts outside Sydney, and no access to rehab and detox. New South Wales has 2.5 times the global average death rate from illicit drugs, and ice is part of that.

This is not an esoteric issue that does not matter. Communities are screaming out. Every time we go out to communities, particularly Aboriginal communities, we ask them to participate in consultations. We ask them to bear their souls about what is going on in their families and communities, and we say that we are going to do things differently. We are doing nothing differently. People are dying. Last week I spent time in Wilcannia. We talk to that community about domestic violence, sexual assaults and the job the police have to do in the community. A lot of it is driven not only by alcohol, which is an issue, but also by drugs. But we are doing absolutely nothing to support this. Fifteen months is too long. Waiting until the end of the year is too long. The Government must fund the services that people need. This is about not only providing the police with more power and support but also supporting communities to keep people alive, kids safe and women free from violence, and turning around a serious problem.

I also take note of the Minister's answer concerning Aboriginal people and Aboriginal heritage. This week I sat on the inquiry into the rationale for and impacts of new dams and other water infrastructure in New South Wales. The committee heard some disturbing evidence from the Ngarabal and Kwiambal Aboriginal Corporation and the Moombahlene Local Aboriginal Land Council about the proposed Mole River dam. We heard about massacres that occurred on the site of the proposed dam, which have not been properly documented. We also found that Government-supported consultants have been through caves, asked Aboriginal people to tell their stories and identified incredible objects of extreme value to that community. But they have been discarded, ignored and, in some places, desecrated. That is not good enough.

#### **NORTH COAST WOOD SUPPLY AGREEMENT**

**Mr JUSTIN FIELD (13:14):** I take note of the Government's answer to my question about wood supply agreements, particularly focused on North Coast forests. My question was: Is there an agreement by the Government to extend to 2028 the non-Boral wood supply agreements on the North Coast of New South Wales? Some background information is useful before I turn to the Government's answer. Agreements for North Coast forests exist with Boral and non-Boral customers. Currently, the Boral agreements expire in 2028. Boral has beneficial agreements with Forestry Corporation to get some of the most highly sought after Blackbutt timber from those forests.

My understanding is that the non-Boral agreements with a lot of the family mills expire in 2023. I have it on good authority that a standing Cabinet decision has been made to extend those non-Boral wood supply

agreements but that it was somewhat reliant on a sustainable yield review that was required to be conducted after the fires. Very little information exists about how the Government intends to deal with the question of the expiring wood supply agreements. I was surprised to see that this agreement may well be in place. The Minister did not give a clear answer to that part of the question and took it on notice.

It is curious to me because the sustainable yield review was finalised in November and was released by the Government after it was pressured to release the document publicly under questioning in budget estimates. It shows only a 4 per cent impact on wood supply in the North Coast forests, which the Minister acknowledged in her answer. That is extraordinary, given 60 per cent of forests on the North Coast were impacted by the Black Summer fires. On the South Coast 80 per cent of forests and 30 per cent of the timber supply were impacted. Excuse me for being a little bit curious about how Forestry Corporation has arrived at those figures. The independent analysis of the documentation that Forestry Corporation has put together suggests no on-field research was undertaken because the burnt and fire-impacted forests were too dangerous. It has no credibility whatsoever.

Because of the dispute between Forestry Corporation and the NSW Environment Protection Authority, the Government has sent the matter off to the Natural Resources Commission for review but the terms of reference of that review are secret. What an absurd situation! The Forestry Corporation continues to log our forests at potentially unsustainable levels. It has been doing that in the past, and there is no reason it would have stopped. The damage could be significant because of the impact of the fires on the ecology of those forests. We run the risk of undermining the future recovery of our forests because of the economic insanity of this Government in propping up an industry that is economically and ecologically unsustainable.

### FILM INDUSTRY

**The Hon. SHAYNE MALLARD (13:17):** I contribute to the take-note debate in a positive, upbeat way in contrast to some earlier contributions. My comments relate to Minister Harwin's answer to my question about investment in the New South Wales film industry. During the Minister's answer a lot of scoffing came from those opposite. But the Minister's answer is, in fact, great news for New South Wales. The *Mad Max* prequel film *Furiosa*—

**The Hon. Walt Secord:** Point of order: I am being misrepresented by the honourable member.

**The Hon. Scott Farlow:** He never mentioned any person.

**The Hon. Walt Secord:** He pointed at me. He gestured towards me. I was not scoffing or guffawing during the Minister's answer. I was simply marvelling at how excited the Minister was as he stood beaming behind Chris Hemsworth.

**The PRESIDENT:** There is no point of order.

**The Hon. SHAYNE MALLARD:** Members will note the time-wasting of that point of order. When I asked my question earlier, the incorrect name of "Shaun" was used. Members know my name is Shayne, but in fact my first name is Maxwell. In my family I have the nickname Mad Max. Some members may have seen some signs of that today and yesterday. However, *Mad Max* is indeed the film. It is said that the investment in the State's economy will support more than 850 local jobs, not only for people in the film production area but also for tradies, electricians, carpenters, set designers, caterers and all kinds of support industries around the film industry. When I ran a nursery with my brother in the nineties, we supplied and hired out a lot of plants and material—it is called "greens"—to the film industry at Fox Studios.

There is a flow-on effect in the economy that is very much appreciated, so people should not scoff at this. The fact that now in New South Wales, as Minister Harwin said, this one project represents one-third of the budget of last year's film industry for the State shows it is a big boost to New South Wales. It is the biggest film ever made in this country and it is going to be filmed in western Sydney and rural and regional New South Wales. As Federal Minister Paul Fletcher said, New South Wales and Australia are now becoming an international destination for film industry manufacturing and it is a great area for us to be supporting. I congratulate the Minister on his answer and the Made in NSW fund, which is largely the reason we have attracted this production to New South Wales—and I look forward to being Mad Max again.

### COVID-19 AND SCHOOL CLEANING STANDARDS

#### CAMBRIDGE GARDENS PUBLIC SCHOOL

**The Hon. COURTNEY HOUSSOS (13:20):** Today in question time the Labor Opposition asked a series of questions about cleaning in schools. This Liberal-Nationals Government, in its endless pursuit of job cuts and privatisations before the COVID pandemic, had announced a plan to cut the cleaning of individual classrooms to

just 15 minutes. Anyone knows that you cannot clean a classroom properly or appropriately in 15 minutes. It is true that at the outset of the pandemic this Government announced enhanced cleaning measures in our schools, as we did right across our community—we saw them here in our own Parliament.

But under the cover of COVID we must ensure that the appropriate cleaning of our schools continues. There are new risks. We have welcomed parents back onto our school grounds. That is a fantastic development, but we need to make sure that our schools continue to have these enhanced cleaning measures. The Minister refused to rule out decreasing them today. In fact, she refused to rule out returning to the failed and flawed plan of only giving school cleaners 15 minutes to clean individual classrooms. I invite the Government to rule out this ludicrous proposition in its response.

Today in question time we also asked about the situation at Cambridge Gardens Public School, which has experienced 19 break-ins in the last year. Thieves have been stealing laptops, iPads and other learning devices in this part of western Sydney. What has the Government's response been? It has not been to build a proper security fence. The thieves are cutting through the existing wire fence. The Government refuses to build an appropriate security fence—and who suffers the consequences? The children of hardworking people in western Sydney are missing out on learning resources.

Instead, this Government is flying in consultants from Brisbane to ask communities whether they actually want a school delivered that was promised three years ago. This goes to how out of touch this Government is. A community is clearly suffering and clearly asking for more support from this Government, but instead it is hell-bent on spending their money on interstate consultants and bureaucrats. The Government is so, so out of touch.

### JEFF DRAYTON VALLEY LABOUR SERVICES

#### SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"

**The Hon. ADAM SEARLE (13:22):** I make a brief contribution about the questions asked by the Hon. Mark Latham of Minister Tudehope, which led to the most extraordinary attack on a member of the public, Mr Jeff Drayton. I say for the record that Mr Drayton is a fine and upstanding person, and an outstanding candidate. The sleazy use of the forum of this Chamber by the Government and One Nation to attack him in this way shows that the man has them on the run—both himself personally and his policy. Of course, the desperation of One Nation to wipe the ordure off its boots caused by its shenanigans in Canberra over the rights of casual workers is just disgraceful. For the record, the agreement that was referred to in *The Daily Telegraph* article and in questions and answers really was designed to protect workers adversely impacted by a company liquidation and is not the whole story. The story is much more complicated than the honourable members would have members realise. It was just a sleazy attempt to use this Chamber to attack a fine and upstanding person, a person whose candidacy I certainly stand with.

In relation to the questions and answers about the ice inquiry, I join my colleagues in pointing out that it is a disgrace that this Government has not provided a substantive response. In his answer Minister Harwin did refer to the First Nations deaths in custody report of the select committee. I draw the attention of members to recommendation 18 of that report. It states:

#### Recommendation 18

That the NSW Government immediately expand the Drug Court to Dubbo and make plans for further expansion into other regional, rural and remote areas.

The Government does not need to wait the statutory six months to respond to that recommendation and the recommendations of the ice inquiry to actually get off its backside and start delivering the services needed across New South Wales to attack the scourge of ice in communities.

#### SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"

**The Hon. ROSE JACKSON (13:25):** I also take note of the answer given by Minister Harwin in relation to the Government's response—or non-response—to the ice inquiry. It was positive that he acknowledged the recommendations specifically in relation to Aboriginal services were important and would contribute to meeting the Closing the Gap target. However, it was of course really disappointing that there was no real answer on time frames. Although these issues are complex they are not actually new. The community has been dealing with the problems of addiction to illicit drugs for a long, long time. In fact, tomorrow marks 20 years since the establishment of the first medically supervised injecting centre. The kinds of facilities that respond to these complex problems are something that we have been dealing with for a long, long time already.

This report itself built on a long history of work and was consistent, in its recommendations, with a long history of work already; even it is not new. It does not take 15 months to develop a response to a report that in

itself was consistent with all of the previous work done in this area, which built on the decades of study and examination of this complex problem that had already occurred. The commissioner appointed by the Premier to look at this problem has described the Government's non-response as "beyond belief and unacceptable". Those are not my words; they are the words of Professor Dan Howard, SC. He said he was "despairing of the political process" because of how long it has taken to get any kind of response to these recommendations. I am despairing, too.

We have Ministers huddled in offices developing lame stunts around Legislative Council tactics. Maybe those same Ministers could huddle in offices and develop a response to the ice inquiry? If they can manage to "fix", in their wisdom, the drama that we had in this Chamber then perhaps they could spend five minutes of the time they spent coming up with that lame strategy in actually trying to deal with the ice epidemic and coming up with a response to the ice inquiry. The Government immediately ruled out a number of recommendations, so it has clearly turned its mind to the substance of the report. We know from the public health pandemic that listening to health experts and medical professionals can help us address serious, complex problems. Medical experts have something to say about the ice epidemic as well—and it is in this report. The Government needs to respond immediately to the recommendations that have been set out.

### **SPECIAL COMMISSION OF INQUIRY INTO THE DRUG "ICE"**

**The Hon. WALT SECORD (13:28):** As the shadow Special Minister of State I take part in the take-note debate and respond to answers by the Leader of the Government, and Minister for Aboriginal Affairs, in relation to ice inquiry commissioner Professor Dan Howard, SC. The Government has failed to respond properly to Professor Howard's recommendations and I share his deep disappointment. He conducted a 15-month inquiry into the scourge of ice and other illicit drugs. He threw himself into that special inquiry and issued a massive four-volume report with more than 100 recommendations. The Government has not accepted or responded to a single recommendation and it has completely ignored his body of work. I have spoken to young First Nation men in the Central West struggling with ice and ice addiction. They are in pain and they want to get thorough their addiction.

In November 2018 the Premier announced with much fanfare that Professor Howard would conduct the inquiry. At the time she said ice was a "scourge" ruining lives. At the time I welcomed the inquiry. I met with Professor Howard to discuss his plans in the spirit of bipartisanship. It was a time of optimism. Members will be aware that I have an interest in this policy issue, and for many years I have maintained that illicit drug use requires a broader policy response than just policing—it should be managed as a health challenge.

**The PRESIDENT:** Pursuant to standing orders debate is interrupted to allow the Parliamentary Secretary to respond.

### **TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. SCOTT FARLOW (13:29):** During question time members opposite asked questions with respect to the threat that our State faces from COVID. While we have been sitting in the Chamber, the Premier has announced that there is another COVID community case in the Eastern Suburbs. We must all remain vigilant to the threat that COVID poses. Some 7,647 either new or redeployed cleaners across the government sector and in schools have kept the community safe. As the Minister outlined in her response to the Deputy Leader of the Government, that is a proportionate response.

As the risk increases, more cleaners are deployed and more deep cleans are undertaken using enhanced cleaning methods—all based on NSW Health advice. That is what we heard from the Minister today, a COVID response that is expected from a Government that has been the gold standard across Australia not only in fighting the pandemic and keeping the community safe, but also in keeping the economy open and kids in school. The success of the New South Wales Government response is highlighted by the fact that in the United Kingdom kids returned to school only last month.

Opposition members also asked about contracts with the Edmondson Park public school which, as the Minister outlined, was required to be provided as part of the social impact assessment. I note that EMM Consulting, which the Minister revealed was part of the competitive tender process, was chosen because it provided the best value for money and will therefore deliver for taxpayers. While the threat of COVID is still present, the State is well on its way back to recovery.

We heard from the Leader of the Government with respect to *Mad Max Furiosa* and Chris Hemsworth, whose name caused a little bit of excitement in the Chamber. I do not see him as a Hollywood celebrity; I see him as the person who pipped at the post our very own Ben Franklin to be ranked number 11 in the *Northern Star's* list of the Northern Rivers' most influential people. Hopefully he will be restored to his rightful place above Chris Hemsworth!

The Hon. Damien Tudehope talked about the Dine & Discover voucher scheme, which is a fantastic program that has been adopted by more than 3½ million people—and there are more to come. I saw the big impact the scheme is having on communities like Strathfield when I recently visited with Minister Tudehope. We went to Cafe de Vie, LAB Bakery, Rainbow Cakes—which, unfortunately, I know all too well—Urbano, Bar Biscotti and Kingpin bowling, where I eclipsed the Minister by two spares!

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

**Motion agreed to.**

#### *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. ROD ROBERTS** (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 under way.

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 SAILS PROJECTIONS

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 terms of 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** (18 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.

### PUBLIC HOUSING

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 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 Bluefish 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 Bluefish 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 CEMETERIES 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 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.

#### *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](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.

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

#### *Private Members' Statements*

### JOBS GROWTH

**The Hon. PETER PRIMROSE (15:00):** Today I will speak about jobs. I do not only mean the sort of job that requires high-vis, steel cap boots and a hard hat. I also mean the jobs that involve caring and supporting people in our communities and do not receive the same media and political coverage. Both types of jobs are vital. Our communities are not only made of bricks and mortar, they are also built by other highly skilled workers such as those in the health, community and disability sectors. It is those workers in our community that are invisible to New South Wales Liberal-Nationals Government. The Government rarely speaks of the people who work as aged care workers, disability support workers, medical administrators, nurses, doctors, cleaners, youth workers, early childhood educators, social workers, home care workers and community nurses, despite one in eight jobs in our State existing in that sector.

It is the fastest growing workforce in New South Wales, yet there have been virtually no announcements from this Government about job creation, workforce development, training or major funding for the largely feminised health, community and disability sector. I have cited evidence in this place previously that the health, community and disability sectors outperform the employment multiplier effects of most other industries in our economy. The Premier and the Treasurer have been absolutely silent about these workers. Government investment

in social infrastructure in the health, community and disability sectors stimulates jobs and better conditions, provides economic stimulus to all other sectors of our community and the economy, and specifically addresses the historic feminised economic disadvantage that has been highlighted during the COVID pandemic.

I recently looked at data and read analyses that indicate there is currently, and will be in the future, a shortage of skilled construction workers and building materials, and that is before the slated raft of projects that are part of the so-called "infrastructure pipeline" announced in the 2020-21 budget have even ramped up. Issues to do with health and social service workers are vital but there is also a need to look at the promises and undertakings given by this Government in relation to those sectors of the community dedicated to building the bricks and mortar. Will the Government be able to deliver on the raft of projects that it has announced? My guess is that those opposite will continue to want their photos taken turning sods for physical infrastructure projects that will ultimately run over budget and over time and will continue to overlook those who work to provide care and support services. This is too serious to get wrong.

### DINGOES

**The Hon. MARK PEARSON (15:04):** Why are we killing dingoes because of human behaviour? With four legs and a wagging tail they are an incredibly intelligent and social animal. They are curious, know how to read human gestures, and are extremely affectionate and playful toward their pups, mates and fellow pack members. They display a range of play behaviours including jumping, body slamming, hugging, wrestling and jaw sparring. Despite the stark similarities they share with the dogs that we share our homes with, dingoes are still gravely misunderstood by humans—and that pun is intentional. Our misunderstanding is fatal for dingoes. A short time ago five dingoes were killed by MidCoast Council after an apparent "escalation in negative interactions" between the dingoes and people. The council had received reports of dingoes attacking pet dogs, stalking, surrounding, and growling at residents and visitors.

This led the council, National Parks and Wildlife Services, and NSW Local Land Services to deem the animals an "unacceptable risk to human safety". To the credit of MidCoast Council, its senior ecologist Mat Bell at least admitted that this change in dingo behaviour was due to residents and visitors feeding the dingoes. The ABC reported Mr Bell as stating:

We know that dingoes can and should be allowed to live around the Hawks Nest area, but human intervention is what has caused the dangerous change in this pack's behaviour.

Essentially, dingoes are being killed because of human behaviour. People are moving further into dingo habitat, foolishly trying to interact with them, and then blaming them when they show aggression while defending themselves and their pups—a crime apparently punishable by death. Dingoes should not be punished with death for the mistakes humans are making. Instead, people need to learn more about dingoes and how to appropriately interact with them. To do this we all need to address the myth that dingoes are vicious attackers. Dingo expert Dr David Jenkins says dingoes are typically timid and, while naturally curious, "are very cautious and suspicious of anything new in their territory". Another dingo expert, Lyn Watson from the Dingo Discovery and Research Centre in Victoria, is reported by the BBC as stating:

When disturbed, their instinct is not to turn aggressive, she says. "Given confrontational conditions, dingoes will choose flight before fight every time."

Their lack of protection under the law in New South Wales means dingoes are victim to government-funded baiting, trapping, "wild dog" fencing and, perhaps most revealing of all, hunting bounties and the ongoing use of 1080 poison. Dingoes are not the calculating, vicious killers in this conflict. We are.

### WOMEN IN SPORT STRATEGIES

**The Hon. WES FANG (15:07):** Women's sport has experienced enormous success on and off the field in recent years but there is still work to be done to increase participation and retention. Through our women in sport strategy, Her Sport Her Way, we are breaking down barriers in an effort to increase participation, improve facilities and attract investment. Her Sport Her Way is an opportunity for us to work collaboratively to support women in sport as key contributors to the sport sector. We are proud to provide \$150,000 to support innovative programs such as Her Flame Burns Bright to get more women and girls involved in sport, both on and off the field. In partnership with Sydney Flames Basketball, the Her Flame Burns Bright program will deliver three key activities: junior basketball clinics, young leaders' forums and basketball coaching workshops.

**The Hon. Sam Faraway:** Hear, hear!

**The Hon. WES FANG:** I acknowledge the interjection by the Hon. Sam Faraway, as he launched the program in Bathurst. Following its launch in Bathurst the program travelled to Wagga Wagga, where I had the privilege of attending its launch. This brilliant initiative will encourage women and girls to be more physically active, promote the awareness and benefits of playing sport and provide greater visibility and access to strong,

empowered professional female athletes as role models. The clinic in Wagga Wagga, led by Basketball Australia's Centre of Excellence assistant coach, Sarah Graham, and Flames players Lauren Scherf and Funda Nakkasoglou, had 90 participants and was booked out well in advance of the session. Having Australian Opals and Sydney Flames players deliver the Her Flame Burns Bright program in my hometown was an inspiration for local female players and is a slam dunk for basketball in the region.

Elite basketballers are powerful role models who show what women in basketball can achieve as players, coaches and administrators. It was fantastic to see so many young people have the opportunity to learn from current and former Sydney Flames players in a fun, active and supportive environment. I thank Karen Dalton, General Manager of the Brydens Sydney Uni Flames, for her commitment to developing players and coaches in regional areas. I am sure that this program was an unforgettable experience for all involved and that the ripples from the program will be felt well into the future. One day we may see the next star in a Flames or Opals jersey hail from Wagga Wagga.

### **PUBLIC OPEN SPACES**

**The Hon. TARA MORIARTY (15:10):** Our public spaces are some of our most important assets in this beautiful and diverse State. Our communities value and rely on the beauty of our public spaces for exercise, events, activities, fresh air, visual beauty, connecting with others and much more. As we know, the last year has been tough, and public open spaces have been particularly important for supporting community wellbeing during a time when people spent a lot of time confined to their homes for long periods. As we—hopefully—continue to open up and as restrictions lift, it is critical that these highly valued assets remain open and available to be enjoyed by communities and for the benefit of all.

The draft *State Strategic Plan – A Vision for Crown Land* sets out the priorities for the future management of Crown lands in New South Wales. When it is finalised, it should be a plan that best serves our communities, and strengthens and supports community connections. The Crown land estate, covering 43 per cent of the State, is one of the State's biggest assets and includes beaches, parkland, bushland and more. It is a valuable asset that needs to be protected not just as an asset, but as an important, accessible and essential part of living well in New South Wales. To do this we need to make sure that at the heart of any decisions made about the future use of Crown lands is a view to keep public spaces open and accessible to all of the community.

The plan will look to "better utilise and commercialise" Crown land in New South Wales. Labor will be keeping a close eye on what that means going forward, particularly in relation to protecting public interest. Submissions to the draft Crown lands State strategic plan clearly demonstrated that our community expects public land to remain public and accessible in the interests of all of New South Wales. There are plenty of good ideas and opportunities for better land use that are in the public interest—ideas like the recently opened extension of the harbourside walking tracks from Bondi Beach to Manly Beach, covering over 80 kilometres of track that give people an opportunity to experience our most beautiful coast and harbour, which are fantastic. Ideas like this would be welcome on the Government's priority list for future use of Crown land.

But there is of course always need for protection of our assets. Recently floated ideas for a private beach club on Bondi Beach made it a little too far along the consideration processes before public outrage forced the Government to intervene and block the idea. The idea of a roped off section for pay per use on Bondi Beach had a huge negative public reaction. When that public outrage eventually caused the Government to say that the project would not happen after the first time it was floated, we thought it was done. But it has re-emerged recently, months later, as a potential option—at least according to the proponent of the concept. We cannot always rely on big name beaches and public outrage to protect our public spaces. Better utilisation of Crown and public land does not have to be a bad thing, but there must be processes and mechanisms in place to protect the overall public interest in keeping our beautiful open spaces accessible.

### **SOLAR FARMS**

**The Hon. ROD ROBERTS (15:13):** I bring to the attention of members of this House a disturbing and completely unsatisfactory situation I encountered on a recent tour of areas in regional New South Wales. I refer to the use of prime agricultural land for the installation of solar farms—not only solar farms, but also high voltage transmission wires are planned to crisscross our valuable farming country. No-one is against the electricity grid being expanded and it is very important to this State. In fact I am on the record imploring this Government to ensure reliable, affordable and readily dispatchable baseload power provided by coal is in place to firm up the reliability of the network—facilities such as Bayswater 2 and tapping into the existing grid.

The issue, though, is where those large-scale solar farms and transmission lines are being established. This infrastructure is being located and built on some of New South Wales' most productive agricultural land. I am talking about some of the best farming land in this State. This land is too productive and too valuable to be used

in that way. These pieces of infrastructure are being built on land zoned RU1. The zoning for this land is primarily intended to promote and encourage agricultural production. It is land with the best soils and conditions for agricultural pursuits. Two locations I single out are the proposed solar farm at Culcairn and the TransGrid project through the Kyeamba Valley near Wagga Wagga. These prize farming areas are strategically located and benefit from connection to the national freight network, favourable climate conditions and fertile soils that are all necessary to support a diverse agricultural sector.

This land's priority use should be to support agricultural identity and ensure a strong local economy that leverages from rural use. Surely there are alternative options for this infrastructure. Surely there is more marginal country that has less productivity capacity that could house these solar farms. There should be genuine consideration of options and alternatives—not just choosing the lowest cost base but taking into account community, landholder and environmental concerns. Landholders should be treated fairly and with respect. The impact that these projects will have on their land values, how they live and farm, and landowners' desire to protect their homes and livelihoods must be taken into consideration.

Manufacturing in New South Wales has been allowed to slowly diminish over the years, taking with it valuable jobs and economic benefits to this State. I will not stand idly by and watch the same thing happen to our prized agricultural sector. The agricultural sector is worth tens of billions of dollars in New South Wales each year and is a driver of our economy. The industry and its people must be protected. It is too valuable to us all to be disregarded and treated with contempt in such a way.

### FAR WEST COUNTRY UNIVERSITY CENTRES

**The Hon. SAM FARRAWAY (15:16):** People in our rural communities should have the opportunity to pursue their dreams and undertake further education without having to relocate to a larger regional centres or to Sydney. This is where Country University Centres [CUCs] have an important role to play, particularly in the Far West of New South Wales, particularly Broken Hill. CUC Far West was officially opened in May 2018 with support from the New South Wales Government, the Commonwealth Government, Broken Hill Community Credit Union and Regional Development Australia. Since then it has gone on to help over 400 students attain higher education whilst being able to stay in the region where their support networks are based.

By providing a safe space to undertake study, tutorials and online classes in a campus-like environment whilst also being close to their business, farm, job and of course families, CUC Far West not only assists those undertaking higher education straight out of high school but also helps those going back into the education system to upskill or take their career path in a different direction. Undertaking courses from 31 different universities, 80 per cent of the students assisted by CUC Far West have been female; 68 per cent are over the age of 25; and 53 per cent are the first in their family to pursue higher education.

The top areas of study include health, 35 per cent; social work and community services, 21 per cent; and education, 17 per cent. These stats are proof of the good work that CUC Far West is doing. The opportunities the centres have opened up are changing the lives of the people in Broken Hill and surrounding communities in western New South Wales. Having visited the CUC Far West campus recently I can tell this House with confidence that it is a fantastic space designed specifically for the needs of the students, with a dedicated team providing support every step of the way. With dedicated study spaces and tutorial rooms, students at CUC Far West have free access to high-speed internet, computers, printers and other modern technology, as well as access to general academic support and guidance.

To the Chair of CUC Far West, Michael Williams; centre manager, Danielle Keenan; learning skills advisers, Lisa and Sophie; and everyone involved in this fantastic facility, thank you for allowing me to take a look and for giving me a tour. I look forward to coming back and learning more about how we can continue higher education opportunities in the Far West of our great State well into the future.

### WAGE THEFT

**The Hon. ANTHONY D'ADAM (15:19):** Recently Unions NSW published a report detailing the extent of wage theft and other forms of exploitation affecting migrant workers in Australia. Its report *Wage Theft: The Shadow Market* identifies shocking patterns of exploitation arising from our pro-business industrial relations system, the vilification of unions and the light touch of enforcement agencies. The Coalition's strategy to drive trade unions out of the workplace has created a series of procedural hurdles that undermine the enforcement of workers' rights. The attack on the right of entry and the compliance role of unions in the workplace has resulted in rampant wage theft. The report derives its findings from an audit of jobs advertised in foreign languages within New South Wales between December 2019 and August 2020. It drew on a large sample size to assess the breadth of exploitation in New South Wales.

The report found that 88 per cent of advertisements disclosing the pay rate were offering below award wages and only 6 per cent of advertisements were willing to pay above \$23 an hour. The majority of advertisements did not offer clear employment terms and most were vague about whether the role was casual, full-time or part-time work. The construction industry had the highest level of exploitation measured in terms of the percentage of roles offering below award conditions: 97.3 per cent of those roles were offering below award rates of pay with 40.2 per cent of roles offering just \$13 per hour to \$16 per hour.

The findings support what the Construction, Forestry, Maritime, Mining and Energy Union's construction division has been putting to this Parliament for a number of years. Shonky developers and other bad employers are using sham contracting arrangements and the threat of deportation to coerce migrant workers into unsafe and underpaid working arrangements. Despite endemic wage theft, long-term occupational risks such as silicosis and the inherent dangers of construction sites, Coalition governments around Australia are intent on destroying unions in the construction industry, leaving exploited workers with no-one in their corner. The assumption that a deregulated labour market delivers the best outcomes for ordinary people stands in stark contrast with the case studies canvassed in the Unions NSW report.

Recent decades have shown that, as employers have excluded unions and avoided regulators in the workplace, the wages and conditions of ordinary people have deteriorated. Ignoring the systemic problems identified by Unions NSW only serves the interests of law-breaking bosses. Why is the Coalition choosing to turn a blind eye to employers who use wage theft to obtain an unfair competitive advantage over those businesses who are doing the right thing? You can be sure that employers who do not pay their workers award wages are also the employers who understate their workers compensation premiums and payroll tax. It is ultimately the bad employers who benefit from underpaying their employees, and not the workers. The Government has made weak efforts recently to cover policy nakedness in this area. The real solution is articulated by the Secretary of Unions New South Wales, Mark Morey, who said, "Unions should have much greater power to inspect businesses' books for underpayment." I commend the Unions NSW report to the House.

#### **ROADSIDE DRUG TESTING**

**Mr DAVID SHOEBRIDGE (15:22):** On the weekend I once again joined thousands of activists, reformers and community members in Nimbin for the annual MardiGrass festival, calling for the legalisation of cannabis. It is Australia's most chilled-out festival, with art, comedy, panels, music, a spectacular parade and the world's greatest Kombi convoy. It is also the annual location for a different festival: the Annual Northern New South Wales Festival of Over-Policing, which is paid for by us and run by and for the NSW Police Force. The police's festival is less chilled out. It has roadside drug testing, drug dogs and searches, and its purpose is to intimidate, criminalise and persecute the community of Nimbin. Arriving at Nimbin, visitors saw squads of police on all major entry roads conducting "random" drug tests on every person driving into town. I was pulled over twice in one day for this pointless exercise and the police did the same to hundreds of others, including my colleague Cate Faehrmann. At \$25 a pop for each test, plus police hours, plus the five or more police cars and vans at every stop, this is a hugely expensive exercise. It could best be described as a ring of overtime stretching around the festival.

At a time when communities are calling out for police resources to be directed to actually investigating cases and responding to domestic violence complaints and other serious matters, this is a serious misuse of public resources. These tests have nothing to do with road safety. They test for the mere presence of just four illegal drugs and, unlike with alcohol, they are not looking at impairment. People are literally losing their licence because they smoked a joint the night before they got behind the wheel. If the longstanding and evidence-based roadside breath-testing program—the one that tests whether drivers have a prescribed quantity of alcohol in their blood—instead tested to see whether a driver had drunk a beer at a barbecue the day before they drove, it would rightly be ridiculed. But that is how the drug-testing scheme works. And, because these tests have nothing to do with road safety, they do not test to see whether drivers are impaired by prescription drugs like benzodiazepines, which have a well-documented impact on road safety and are implicated in many fatal crashes.

Because the mobile drug-testing program is not about road safety, they target Nimbin, the North Coast and south-west Sydney, and not the northern suburbs and Eastern Suburbs of Sydney where national wastewater studies would suggest drug use is far more common. They do not conduct tests in locations identified as high risk for impaired driving; they conduct them where they are politically convenient. They do not even collect data to show whether their tests have an impact on road safety. They know that data would not support the extraordinarily invasive program. The peaceful activists at Nimbin are no threat to anyone except for the ongoing criminalisation of a plant. How they are treated shows just how the main danger of drugs is not the drugs themselves but the violent war waged by police against those who use them.

## HEART DISEASE

**The Hon. LOU AMATO (15:25):** In July 2010 *The British Journal of Cardiology* published an article entitled "Time is muscle: aspirin taken during acute coronary thrombosis" by Elwood, Morgan, Woollard and Beswick. The journal deals with the reduction in mortality due to acute myocardial infarction—in lay terms, a heart attack. We are all aware that during a heart attack, seconds count as the heart muscle is starved of oxygen as platelet microthrombi proceed to the development of a thrombus. A thrombus is a blood clot blocking the arteries of the heart and starving it of blood supply. Many of us will sadly be in a position where either we face a heart attack or we witness a loved one, friend or stranger suffer a heart attack. What are we to do to increase the survival rate in such tragic circumstances? Can we do anything other than call 000 and wait for the first responders to arrive? Considering seconds count, is there anything we can possibly do to save a heart attack victim?

We can do quite a bit. We can purchase a packet of 300 milligram chewable tablets of aspirin from our local pharmacy and learn how to administer them in the case of a suspected heart attack. In these latter days aspirin has fallen out of favour as the preferred non-prescription painkiller. Have you ever had a headache and asked whether anyone has paracetamol or ibuprofen? Chances are someone will have a packet with them and produce the much-needed pain relief if we happen to have forgotten our own supply. But these days no-one carries aspirin, which is a lifesaver. If a person is suffering severe chest pains or having difficulty breathing simply giving them one 300 milligram tablet of aspirin and asking them to chew the tablet and subsequently swallow increases the survival rate from a heart attack dramatically. The article in *The British Journal of Cardiology* found that chewing and swallowing a 300 milligram tablet of aspirin achieved a 50 per cent inhibition of thromboxane in five minutes.

Thromboxane is the hormone that induces platelet aggregation and arterial constriction. Prompt administering of aspirin can reduce blood clot formation and arterial constriction, sometimes stopping it altogether, allowing more blood flow to the heart muscle. The result may save the life of a person. Those of us who have had the misfortune to contact 000 to assist a suspected heart attack victim will notice that first responders always give the patient a 300 milligram tablet of aspirin to chew and swallow. If we were in a position to administer the same over-the-counter aspirin tablet during those crucial minutes before help arrives, we could effectively save the life of a heart attack victim. So my message is: Purchase a box of chewable 300 milligram aspirin tablets and keep them handy. If you ever have to administer an aspirin tablet in an emergency be sure to let first responders know that you have done so. They will appreciate your vigilance and so will the patient.

## WESTERN DIVISION CONFERENCE

**The Hon. MICK VEITCH (15:27):** I will speak about the Western Division Conference held in Broken Hill a couple of weeks ago. A number of people who are in the Chamber attended also, including the Minister at the table, the Hon. Bronnie Taylor, and the Hon. Tara Moriarty. It was a good opportunity to catch up with a number of local councils and discuss public policy issues that are affecting smaller communities in regional New South Wales. The councils at that particular conference took the time to talk to me about some of the issues affecting the communities—not Broken Hill and Dubbo but more the smaller centres like Brewarrina, Pooncarie, Menindee and Ivanhoe.

During COVID a lot of the people who provide the volunteerism that helps local communities to survive retracted their volunteering. Unfortunately, they realised how tired they were and just how much work they were really giving to those communities. As we come through the post-COVID era, a lot of those people are not re-volunteering. They have discovered other ways of using their time, predominantly around themselves and their families. It is a discussion that they have obviously had during the COVID break.

I give an example of what it means for one of those smaller communities. A councillor told me at the conference that the local agricultural show is an issue. I know the Hon. Bronnie Taylor and the Deputy President would be aware that for many of these communities the local show is the focal point. It is a sensational place to go to test the mental wellbeing of your friends and to socialise. Many shows could not be held last year. This year, when it is time to rejuvenate and get back into organising the local show, smaller communities cannot get people to volunteer to run it. That is a tragedy. We must have a conversation about how to re-engage the art of volunteerism in some of these smaller communities.

Other examples were provided to me at the conference in Broken Hill about how, if the money is available, volunteer groups are heavily relied on to deliver outcomes in smaller communities. But there are not enough people to provide that volunteerism so the money is not getting to the communities. We must have the conversation about how to re-engage the volunteerism aspect of smaller communities so that the local show and other events can be run. Many of these events fundraise for their communities. The fabric of many communities relies heavily upon volunteers and we need to talk about how we reactivate them.

*Members***LEGISLATIVE COUNCIL VACANCY**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I report receipt of the following message from Her Excellency the Governor:

Margaret Beazley  
Governor

GOVERNMENT HOUSE  
Sydney, 5 May 2021

I, the Honourable MARGARET BEAZLEY, AC, QC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable John Ajaka, and I do hereby announce and declare that such Members shall assemble for such purpose on Thursday the 6th day of May 2021 at 10:30 am in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.

*Bills***CIVIL LIABILITY AMENDMENT (CHILD ABUSE) BILL 2021****First Reading**

**Bill introduced, and 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.**

*Motions***INDEPENDENT COMMISSION AGAINST CORRUPTION****Reference**

**Debate resumed from an earlier hour.**

**Mr DAVID SHOEBRIDGE (15:34):** The Greens support this referral under section 73 of the Independent Commission Against Corruption Act. I focus upon what I think is the core issue. We have tried to get answers to fill the evidentiary gap in the grants inquiry through the Public Accountability Committee. We have asked the Department of Regional NSW and the arts bureaucrats when the decision was made to tip tens of millions of dollars into the Riverina Regional Conservatorium, particularly stage two, in Wagga Wagga. Who made the decision? Was it made within Premier and Cabinet in the arts faculty? Was it made within the Department of Regional NSW? Was it made during an election campaign? When was it made?

One of the enduring mysteries about this whole issue is how the then member for Wagga Wagga, Daryl Maguire, publicly announced that the second stage of funding would be approved six months before it was approved. How did he know? Who did he talk to? Who told him that there would be \$10 million for stage two funding of the Riverina Regional Conservatorium in Wagga Wagga six months before the funding decision was made? From what we can tell, this was months and months before there were any moves by bureaucrats to try to justify it. We do not know.

I listened very carefully to the contribution by the Hon. Don Harwin and I tried to get an answer to that question. But there was nothing. There was something about some other process being half on foot and this referral was jumping the gun. That is the best we got. That is the Government's defence: It is too early. I do not know where it thinks the answer will mysteriously arrive from because we did not get an answer when questions were put to the bureaucrats who appeared before the Public Accountability Committee. We then asked the Premier during budget estimates hearings how it was that Darryl Maguire knew about this six months before the approval happened. Did anyone tell him in any context? We got evasion and avoidance and a refusal from the Premier to answer the question.

Who has the power to go through the documents and get the answers? ICAC has the power to get the answers. ICAC has the power to find out how so much public money was handed out without any kind of what seems to be due process, and that is why we support this referral.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:37):** This is a continuation of the stunts that those opposite pull in relation to a potential media story. They have probably already got a media release ready to walk outside in the event this motion is passed.

**The Hon. Adam Searle:** When.

**The Hon. DAMIEN TUDEHOPE:** When. I am a realist; I can count. I probably could not count yesterday but I can count today. Everyone in this place knows where ICAC is, and those opposite know better than anyone else. It is at 253 Elizabeth Street, level seven. Members can go down there. If there is one skerrick of evidence that there has been corruption, the appropriate course is to provide that evidence. Every member can do it. All members can walk down there and provide the evidence to ICAC, and it will make a determination whether there is a preliminary case or anything to investigate. But those opposite do not do that. They would rather pull a stunt for a media release and a potential story they want to try to get up about another referral of the Premier to ICAC.

What we know is that there is no evidence. There is not one skerrick of evidence that there is any corruption involved except for, "We don't know this, we don't know that and we don't know this; therefore, we want ICAC to investigate." I say that is an abuse of ICAC. ICAC is not an investigatory body of the "we don't know"; it is an investigatory body of the "we do know and here is the evidence of the corruption which we expect you to investigate".

The only evidence offered is that there was a potential conflict of interest in the Expenditure Review Committee. That is what opposition members say. Does that ground an allegation of serious endemic corruption? Absolutely not, and those opposite know it. They come in here with a motion based on a potential conflict of interest and not one skerrick of evidence to support it, and they say that this House must support a referral to ICAC, because it is a stunt. They can walk down any day of the week and make the same allegation and ICAC would say, "There is nothing here to investigate." They know it. They do not do so because they want to use and abuse this Chamber. They want to abuse ICAC just for a media story. It does the Opposition no credit whatsoever to be deprecating one of the most prestigious organisations in this State for the purpose of a stunt.

**The Hon. JOHN GRAHAM (15:40):** In reply: I am interested to hear the Government's defence. We have heard a number of defences here. The arts Minister defended the conservatorium and the Opposition agrees with that; we agree that this is a valuable institution. I particularly commend the work of Hamish Tait, who is the director. The Leader of the House is defending the institution of ICAC and the Opposition supports that; we agree with his observations about ICAC. But neither the Leader of the Government nor the Leader of the House will defend the Premier's actions. That is what is missing from the Government's defence. That is what those opposite will not defend. They will not defend the fact that she has refused to declare a conflict of interest and that this grant was approved on her letterhead without her signature. The department says she approved it.

What we do know is the Premier never declared a conflict of interest. That is what we know. That is what the Government has not responded to. The Leader of the Government did not respond. The Leader of the House did not respond. They are silent in the face of the fact that we are accusing the Premier of corrupt behaviour and Daryl Maguire, the former member for Wagga Wagga, of knowing six months ahead of time that this institution was getting the public funding. He announced it publicly. He announced this money was coming out the door and took the Premier on a tour around the venue. That is the accusation here.

The Premier said, "I have never been accused of wrongdoing." That was her answer under pressure during budget estimates. We are saying plainly that the Opposition is accusing the Premier of wrongdoing. The Opposition is accusing the Premier of not declaring a conflict of interest. The evidence from the department and from the documents before the Parliament shows that the Premier was involved in that approval. She says that was not the case. She denies any involvement by refusing to acknowledge that she sat around the Expenditure Review Committee table on this matter and refusing to acknowledge the documentary evidence from the department. That is the case.

The Premier should be clear, in the way that the Treasurer was. When the Treasurer was asked about this he was up-front about how the former member for Wagga Wagga used to operate. He said about turning up in Wagga, "I certainly remember a trip because it was the general practice when you go on trips that you get a hire car, but that was never the case with Daryl. He would almost kidnap you and take you around the electorate and tell you everything that was wrong in Wagga. So I remember that day very clearly and I am happy to be home." He answered clearly what the practice was and what was going on on the ground. The Premier gave no details.

She could not remember a single thing about this case and that in itself is damning for the leader of the State. That is the case. I commend the motion to the House. [*Time expired.*]

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

**The House divided.**

Ayes .....24  
Noes .....16  
Majority.....8

**AYES**

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

**NOES**

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

**Motion agreed to.**

*Bills*

**WORK HEALTH AND SAFETY AMENDMENT (INDUSTRIAL MANSLAUGHTER) BILL 2021**

**First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Adam Searle.**

**Second Reading Speech**

**The Hon. ADAM SEARLE (15:54):** I move:

That this bill be now read a second time.

I introduce the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021, which has the object of amending the Work Health and Safety Act 2011 to insert a new part 2A in the legislation to create two new offences relating to industrial manslaughter. The legislation will reform the State's workplace safety laws by creating industrial manslaughter offences, and will include a maximum penalty of 25 years' imprisonment for an individual. Unfortunately, the current system is deeply flawed and compromises the safety of workers across the State. Offences are divided into categories one, two and three, with category one offences being the worst case involving the highest levels of penalty. But as far as I am aware, the work safety regulator in this State has never prosecuted a category one offence. It sits on a shelf gathering dust, not doing the work for which it was intended or created by this Parliament.

It is maintained that the death of a person at work must always be the worst kind of case. How much worse can it get? Yet apparently no case that came across the desk of the regulator has ever met the worst-case scenario. Honourable members will remember the tragic and preventable case of Christopher Cassaniti in April 2019—and I will return to it in due course. The prosecutor did not prosecute that matter as a category one offence. Instead, a plea deal was offered to the defendant to plead guilty to a category two offence. Again, what does "category two" mean? What does "category one" mean? Those terms are clinical, cold and convey no sense or meaning of the tragedies that they are meant to address or prevent.

The State needs a law that says what it means and means what it says. When people break the law and kill people at work for whom they have the responsibility of care, serious penalties should be enforced, not just a slap

on the wrist. The offence should name what the phenomenon is, with appropriate penalties. It is clear that the current laws are failing and a major overhaul of safety standards is needed, as well as improved enforcement of those standards. It is a matter of record that just as WorkCover—as it then was—under the Greiner and Fahey governments dropped the ball on prosecutions, the Liberal-Nationals Government of the past decade has presided over a weakening of workplace safety laws and certainly a weakening of their enforcement.

There are no problems with enforcement of a different kind—of encouraging people to do better, of helping employers to improve systems and safety—but that should be an adjunct to the need, in appropriate cases, for prosecution. Statistics show that the amounts recovered in fines and penalties, the number of prosecutions and the number of charges laid are getting fewer and fewer. That sends the wrong signal. It sends a particular signal to dangerous industries such as agriculture, construction—where Christopher Cassaniti's death occurred—and coalmining, which is another notoriously dangerous industry. It sends the wrong signal. It sends a signal that if you break the law, you probably will not get caught. If you get caught, nothing much will happen. In the case of Christopher Cassaniti's death, the employer did not even have to pay the fine; the insurer picked up the tab. That is an evil that this Parliament remedied when the work health and safety amendment legislation was passed last year. That particular evil has been stamped out, but legacy issues remain.

It is quite clear that the Government's previous legislation—the work health and safety [WHS] amendment legislation—fell well short of addressing what was needed. The inquiry conducted by Portfolio Committee No. 1 – Premier and Finance, of which I was a member, made efforts to identify the improvements required. Not all of those matters were addressed in the report. Amendments arising out of that inquiry were brought to this place to deal with industrial manslaughter, but on that occasion this House did not favour those matters. I present this bill to the House hoping for a changed outlook, and make the case for why this House should reconsider its views.

Obviously, legislation is required to enable the prosecution of industrial manslaughter and to fundamentally change the approach across industry in order to raise the standard and embed a culture of workplace safety of a much higher and more stringent nature. We need a culture that supports workplace safety in our State, not a culture, as I indicated before, that allows and encourages the cutting of corners and the fostering of unsafe workplaces. Right now even here in Sydney many of the buildings being constructed are unsafe and workers' lives are being put at risk. Of course, one death is too many. Every worker should come home safely. It is unacceptable that New South Wales has the highest number of workplace fatalities in the Commonwealth. The community expects that when a person is killed at work those responsible should be held properly to account. Clearly, that is not happening under the existing law or its enforcement. I accept that we can have all the laws in the world, but we also need decent, well-resourced and resolute enforcement.

It is essential that employers and other businesses that do the wrong thing must be truly accountable when someone is killed on their watch. The *Review of the model Work Health and Safety Laws* by Marie Boland recommended that industrial manslaughter laws be included in the model work health and safety legislation. The report states:

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

A number of years ago when I was practising law as a barrister for reward, I was one of four lawyers engaged by the then WorkCover Authority to inquire into and report on whether there should be specific laws dealing with workplace death. The others engaged were Professor Ron McCallum, professor of industrial law at the University of Sydney; Adam Hatcher, who later became a senior counsel and is now vice-president of the Fair Work Commission; and Peter Hall, QC, as he then was, who is now the Chief Commissioner of the Independent Commission Against Corruption, previously a judge of the Supreme Court of New South Wales. We looked extremely closely at this important issue. The panel concluded that the power imbalances and the exigencies of the workplace required very stringent regulation and specialised workplace death laws not just to recognise the risk that people could be seriously injured or killed but to deal with the consequences, and then to recognise where there was a breach of duties that were owed when people were killed.

We challenged the notion that the current standard of criminal negligence is the appropriate threshold for criminal liability. Given that workers are subject to control and direction, there must be a reorientation of that threshold. That is set out in the bill before the House. We make no apologies for holding that view because of the terrible and tragic incidents that have taken place, such as those that happened to the Cassaniti family. As I indicated, in April 2019 the Cassaniti family lost their son, Christopher, in a tragic and entirely avoidable

workplace fatality. Christopher, an 18-year-old apprentice, was crushed to death at a north-west Sydney construction site. In December 2020 the District Court judge hearing the case said the offence was of the "utmost severity" and, given the circumstances of neglect on this site, was "almost certain to occur". He added—and this is so tragic—that the steps needed to avoid the risk were "simple and inexpensive".

Since then Christopher's mother, Patrizia, has been advocating for the adoption of industrial manslaughter laws and the raising of the standard of culture and safety in the workplace. The quality of work done by Patrizia and her husband, Rob, is outstanding. I am unable to express in words the pain they must have gone through. Of course our hearts go out to them, and we must take action to ensure workers are safe and that employers who do the wrong thing—which is not every employer, nor most employers—are held accountable. As I said when I had the honour to speak at a public event held by the Cassanitis for the naming of a bridge in Christopher's honour, if I had been faced with their experience I do not believe I could have dealt with it in the way they have. They have turned that situation into a powerful engine for reform in the construction industry. They are remarkable people.

For too long the system has fostered and even rewarded a culture of taking risks and cutting corners, particularly, as I indicated, in the construction industry. However, that industry is not alone; many other industries are dangerous. Laws and cultures must change to ensure that what happened to Christopher Cassaniti and his family does not happen in the future. Yes, there will always be aberrations, there will always be accidents, there will always be inattention, but with more care and more attention given, aided by the powerful disincentives created by the provisions in this bill, it is to be hoped that that situation can be brought to its absolute minimum—to the rare and true accident. So many incidents result from systems failures or the neglect of maintenance over a period of time. It is not one event or choice but the accumulation that creates these avoidable tragedies.

On 28 April each year I and many colleagues, such as the Hon. Anthony D'Adam and the Hon. Tara Moriarty, who chaired the inquiry into the WHS amendment legislation, and many other members in this place attend the International Day of Mourning to recognise and remember all those who have lost their lives at work or from work-related injuries or conditions, never to return home. To honour those losses, actions such as the one I am proposing this Parliament take must be undertaken so that we honour the victims and their families and do everything we can to avoid such losses in the future. A person would have to be heartless not to be moved by the families and loved ones who have campaigned for industrial manslaughter laws and not to think that there is something tragically wrong that must be addressed. Unfortunately, many workplace fatalities demonstrate the urgent need for legislation of the kind that I am proposing.

As I said, it is not simply a matter of momentary inattention or someone overlooking something. There is always a clear, systemic failure of corner-cutting, under-resourcing or not giving workers enough time to perform dangerous tasks, often in bad weather, or fatigue at work. There must be a better focus on workplace health and safety in our industrial laws where the issue of work time and work intensification leading to fatigue and its impact on safety must be properly accounted for. We should have a State industrial relations system where workplace health and safety can still have a front and centre role. That will be the subject of another debate.

There must be urgent attention to the culture and the legislative framework. Introducing an industrial manslaughter offence in New South Wales is vital. The majority of Australian jurisdictions have a law of that kind already, and it is proving to be effective in preventing accidents and incidents. Why would a worker in another jurisdiction be more important and have a higher value placed on their life than a worker in New South Wales? If other jurisdictions are doing all they can to protect their residents to a higher standard, it is essential that we take that action in New South Wales. Do not our workers, our residents, their families and communities deserve that?

I turn now to the provisions of the bill. There are two main models we could look to for inspiration: the Queensland model and the Victorian model. The amendments in this bill owe more to the Queensland model, but with some modifications. The provisions create a new part 2A in the work health and safety legislation entitled "Industrial manslaughter" and set out the conduct and the definitions of "executive officer" and "senior officer" who may be personally liable. The new section 34D creates the criminal offence of industrial manslaughter for a person conducting a business or undertaking. Again, one has to have a situation where a worker who dies or who is injured at the workplace where the first person's conduct causes the death of the worker and the first person is negligent or reckless about causing the death. As I indicated earlier, there are penalties of up to 25 years' imprisonment or, for a corporation, 100,000 penalty units.

The equivalent type of drafting is contained in the new section 34E, which deals with the offence of industrial manslaughter regarding a senior officer. Again, one has to have the worker dying at the workplace, or being injured and later dying. The senior officer's conduct must cause the death of the worker or another person. Again, negligence or recklessness about the cause of the death must be an element. The maximum penalty is 25 years. The first provision deals with individuals and corporate bodies and the second provision deals only with natural persons. There is no monetary penalty attached to the second provision. It is clear that the bill is not like

the offences in the old Occupational Health and Safety Act 2000 whereby a company could be found liable for a breach of the legislation and then there could be a second prosecution—for example, against a director, a shareholder or someone concerned with the management of the enterprise—and the individual could have been prosecuted solely because they held that office or role, not because they had done anything particular.

I know this because when I was a barrister I used to do prosecution work for the WorkCover Authority from time to time and I also did defence work. Those provisions were not just to tilt the scales against employers; they were to deal with many situations where, for example, the company that did wrong might have been an insubstantial or shell corporation having no assets. Therefore, in prosecuting them for a monetary penalty—because one cannot imprison a corporation—the penalty is the redress. But, of course, where the corporation has no substance I have seen a number of convictions and penalties awarded by the courts but nothing able to be recovered because there was not even an insurance policy. In that situation, the option of prosecuting the individual behind the company or the person who is responsible for the company's actions was the way that that was brought to account. However, I note that many employers—and many people in this place—had reservations about such a deeming provision, if you like, where a person could be prosecuted simply because they held that office and not because they had done any act or omission themselves.

The legislation before the House does not have that vice. In this legislation, a company that does the wrong thing can be prosecuted for industrial manslaughter, and if that company is convicted there are monetary penalties. One can bring a prosecution against a natural person—a senior officer or an executive officer—but only where that person can be proven to have done an act or omission leading to the death. That is an important distinction, and that, in my respectful submission, should put well and truly to rest the minds of members of this House who had reservations on the last occasion. We can attack the vice that we all agree should be stamped out without creating some additional legal jeopardy where it is not warranted. It is a matter of conjecture whether prosecutorial discretion was ever abused in the previous regime but that need not delay us here; that will not be the case. We on the Opposition bench believe the amendment is pretty straightforward and hold the view that it strikes the appropriate balance between requiring individual moral turpitude or moral culpability of the individual and an appropriate redrawing of the line to find the threshold at which criminal liability should arise in workplace deaths.

I add that in 2018 the Australian Senate referred the framework around prevention, investigation and prosecution of industrial deaths to the Senate Education and Employment References Committee for inquiry and report. In October 2018 the committee tabled its report entitled *They never came home—the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*. That 135-page report made 34 recommendations about how these matters are dealt with. The timing of the report and the response coincided with the independent review of the model laws, the Boland review, which I earlier adverted to. Both reviews shared some key recommendations, including that there should be an industrial manslaughter offence; there should be an amendment of the category one offences under the Work Health and Safety Act 2011—which, of course, had been undertaken by this Parliament—which is the most serious offence under the harmonised WHS Act, excluding industrial manslaughter; and increasing the powers of union officials to enter worksites to assist health and safety representatives without an entry permit under the Fair Work Act 2009.

This bill does not deal with those other matters. However, what I think is unarguably clear is that we need special laws to address the consequences of workplace deaths. The issue of corporate entities that cannot be prosecuted because the arising penalty cannot be carried out against a corporation needs to be addressed. The Australian Capital Territory model puts it in its mainstream criminal laws, which the Opposition does not favour because it is very hard in the context of mainstream criminal laws to make people accountable for criminal negligence. The practicalities of proving beyond reasonable doubt in a jury trial in these workplace matters is very difficult, particularly when one is dealing with systemic failures. However, we do favour it being in the work health and safety regime.

In April 2018 a prosecution was commenced against a crane driver in the context of an incident at a Canberra construction site; I do not know how that matter resolved itself. However, in relation to the Queensland model that was implemented in October 2017, I understand that in February 2019 the Queensland District Court convicted a director of a roofing company and sentenced him to 12 months' imprisonment, with a \$1 million fine for the company, following the death of a worker who fell almost six metres due to the absence of handrails. In that case the director had decided that installing handrails was too expensive, so that case had a clear omission causing death and individual culpability—a clear decision by an individual that could be addressed by the law.

In May 2019 the manager of a quarry where a worker was crushed to death on site in Central Queensland was sentenced in the Brisbane Magistrates Court to 18 months in prison. There was a minimum prison time of six months under the relevant legislation. The company was fined \$400,000. I am not aware of any prosecutions arising under the Victorian legislation, and I am not entirely sure where Western Australia or the Northern Territory are up to. But what we can see is that, at least in the context of Queensland, there have been

two instances where the law has been used beneficially and is hopefully setting clear benchmarks that a New South Wales legislative arrangement could look towards.

Obviously we would earnestly hope that there would be no cases, and we do not set out to imprison people. We set out to raise the standard of health and safety by saying that if you do the wrong thing, break the law and kill your workers then you as a company could suffer the reputational damage that comes not with being charged with category two or category one, which means nothing, but with industrial homicide, which certainly would be a severe reputational damage for any responsible company. Of course, for an individual there would be the associated concern about potential prison time, which would provide a clear general deterrent that would better behaviour.

We can see there is a variety of reasons for putting these matters into legislation. It is imperative to send a very clear signal about the behaviour that society finds unacceptable and wants to address. I refer briefly to the joint dissenting statement of my colleague the Hon. Tara Moriarty and me to the report of the Legislative Council inquiry into the WHS amendment bill. We stated:

... a key role of the law is to set clear guidelines about what is acceptable and what is not acceptable in our society. In so doing, the law provides deterrence against proscribed behaviours. The criminal law is a clear example of this, as are laws of a similar character. An analogous example is the former anti-vilification provisions in s2OD of the *Anti-Discrimination Act 1977 (NSW)*, now replaced by s93Z of the *Crimes Act 1900 (NSW)*. The fact that neither provision has been used is no reason to not have them in law, given the important public policy reasons underpinning them. We view industrial manslaughter laws in the same way, although we also believe they will have practical application.

There will undoubtedly be circumstances where it would be appropriate for the provisions to be deployed. However, even if they are never deployed, it is very important that we send clear signals to companies, management, workers, the broader society and anyone engaged in often dangerous undertakings about the very high expectations that we, as a society, have around what we find unacceptable. The mere fact that a law exists somewhere and may not have been used—which may be a good thing depending on the circumstances—means it is important to have such laws in place.

It is important to recognise that the formulation contained in the bill provides that no individual can be prosecuted and exposed to the penalties proposed without their conduct leading to death and there being an individual responsibility for those acts or omissions causing death, and that is with the original threshold of negligence or recklessness being recalibrated in the appropriate way. The Opposition thinks the bill strikes a careful balance between the rights and interests of workers in the workplace and those undertaking a business to ensure that there is no overreach. All members will agree that there are too many workplace fatalities and so we should do everything we can to raise workplace safety standards. However, I understand that reasonable minds may differ on the measures by which those aims are achieved.

The current legislation is not being used to its full extent and is clearly not getting to the pitch of the ball, if I can use that inaccurate sporting analogy. We need to do better and we need to raise the standard of enforcement. The bill will create new industrial manslaughter offences not only to make workplaces safer but also to hold rogue companies and individuals to account for avoidable workplace deaths. I commend the bill to the House.

**Debate adjourned.**

### *Motions*

#### **TRIBUTE TO HELEN MARSTON**

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

That private members' business item No. 1055 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK PEARSON (16:21):** I move:

- (1) That this House expresses its condolences to the family and friends of Helen Marston, who died on 29 January 2021 in Melbourne at the age of 53 after surviving breast cancer for more than five years.
- (2) That this House notes that:
  - (a) Helen Marston was the Chief Executive Officer of Humane Research Australia for more than 15 years; and
  - (b) during that time she was an energetic campaigner:
    - (i) challenging the use of animal experiments; and
    - (ii) promoting more humane and scientifically valid non-animal methods of research.
- (3) That this House understands that, even while being treated for breast cancer, Ms Marston raised concerns about the use of animals in cancer research stating:

- (a) "Rats and mice are most often used—despite their anatomic, genetic and metabolic differences to humans"; and
  - (b) "In fact many cancers have already been cured in mice, but they simply don't work in humans, suggesting that perhaps we should move away from these inappropriate and misleading models of human disease and embrace other more relevant methods of research."
- (4) That this House acknowledges that Ms Marston's accomplishments included:
- (a) establishing the Humane Charities List;
  - (b) serving on government committees;
  - (c) winning the Lush Cosmetics Public Awareness Award; and
  - (d) writing and publishing a children's book *Leo Escapes from the Lab*.

Helen Marston was an outstanding animal advocate who had a long association with organisations such as Animals Australia and Humane Research Australia [HRA]. Like many within the animal protection movement, she found her affinity with animals at an early age and became determined to dedicate her life to ending animal suffering. In 1997, after working for a number of years in the field of banking and finance, Helen realised her dream of beginning an animal advocacy career with Animals Australia. Her greatest passion was in challenging the use of animals in research. Helen was all too aware of the millions of animals that were being bred and killed each year for the animal research industry.

When xenotransplantation experimentation began, Helen learned about the horrendous treatment of pregnant sows, piglets and baboons. So she dedicated her life to knowing everything that there was to know about xenotransplantation to make the public aware of what was happening in our research institutions and hospitals. Xenotransplantation is the process of transplanting living cells, tissues or organs from one animal species to another. There are currently xenotransplantation experiments being conducted on baboons at the Prince Alfred Hospital. Xenotransplantation is a Frankenstein-like procedure, which transplants organs from pigs into baboons with the eventual hope of transplantation into humans. If animal xenotransplantation ever becomes an accepted form of surgery, sentient beings will be reduced to nothing more than spare parts and tens of thousands of animals will be forced to endure miserable lives in sterile laboratory conditions. Surely COVID has taught us about the dangers of mixing animal species and exposing their organs and tissues to human beings.

Helen represented animal interests at National Health and Medical Research Council forums. She spoke critically about primate research and cosmetic testing on animals. Helen also established the charitable organisation Humane Charities Australia, which gave donors information about charities that did not engage in or support animal-based research. In 2005 Helen accepted the role of CEO at Humane Research Australia. Its mission aligned perfectly with her ambition to relegate inhumane animal research to the scrapheap of history. Humane Research Australia was established to challenge the efficacy of animal experiments and promote more humane and scientifically valid non-animal methods of research. During the 15 years that Helen was at the helm of HRA, she made it her life's work to understand the scientific justification for using animals in research and develop expertise in debunking the flawed rationale and myths behind the practice. That expertise was put to good use in writing and co-producing a 10-part TV series entitled *Animals Matter*.

Her campaigning and expertise were acknowledged when she received the Lush cosmetics Public Awareness Award for HRA's work in opposing animal experimentation. Helen thrived at HRA. She engaged in public speaking and appeared in the media to promote the case for ending inhumane animal experimentation. She gave lectures at universities and submitted evidence to government inquiries, not just detailing the cruelty and scientific flaws of relying on animal testing but also educating lawmakers about the alternatives. Helen was right—we do not need to make animals suffer to advance human health; non-animal options are possible. In 2012 when she was diagnosed with breast cancer, Helen did not resile from her views on animal experimentation. Her position on her treatment was congruent with her life's work. In a published blog about her illness, she wrote:

What is so disappointing is that researchers continue to base their work on animal models and people continue to pin their hopes on a miracle cure that unfortunately continues to be based on the wrong species.

...

... now that I am personally affected by cancer I can confirm that my position on animal experimentation has indeed changed—I am more opposed to animal research than I ever thought possible.

On 9 February 2021 Helen's lifetime achievements were celebrated at her funeral. I express my condolences to her family, friends and colleagues and I extend particular sympathy to Helen's partner, Miles. Helen was a true friend to the animals, especially to those invisible creatures—the laboratory mice, the rats, the rabbits and the guinea pigs—that are tortured and discarded in their millions each and every year. I thank Helen for opening our eyes to the truth.

**The Hon. SCOTT FARLOW (16:27):** I support the motion moved by the Hon. Mark Pearson. On behalf of the Government, I express my sincere condolences to the family and friends of Ms Helen Marston. The Government also acknowledges her role as the chief executive of Humane Research Australia and her work to promote humane and non-animal research methods. The Government also acknowledges Ms Marston's achievements—which the honourable member listed in his contribution—in serving on government committees, winning public awareness awards and writing her children's book *Leo Escapes from the Lab*. I commend the motion to the House.

**The Hon. WALT SECORD (16:28):** As the shadow Special Minister of State, I speak on the condolence motion for the late Helen Marston and make some observations on animal welfare. As a matter of principle, I tend not to contribute to condolence motions for individuals whom I do not know or with whose work I am not familiar. However, I have been asked by my Labor colleagues to speak on this motion moved by the Animal Justice Party. I have discovered that Ms Marston was an advocate for animal rights, especially for the piglets, sows and baboons used for medical research. I have also discovered that she had been involved with Animals Australia since 1997 and was an integral part of its team for eight years, where I understand she started in the area of finance. For 15 years she served as CEO of Humane Research Australia and spent several years as a member of the Animals Australia board.

As a person who considers myself to be evolving and changing and growing in the area of animal welfare and animal rights, I add my voice to this motion. I do not believe that God wants us to dominate animals; rather, we are to share the world with them. On that note, those who are familiar with me would know that I have removed pork and crustaceans from my diet and our home in the past two years. I am continuing my personal discussions with my rabbi in a desire to eventually become a vegetarian. That is becoming quite a contest in our North Bondi home as my partner wants to stay with meat products. I hope that one day I will be able to inform the House further on this. Julia is strongly resistant.

**The Hon. EMMA HURST (16:30):** I thank all members for their contributions to this debate. They have been very special and I thank members for sharing. I welcome the opportunity to speak in support of this motion, moved by my colleague, which honours the incredible life and work of Ms Helen Marston. Helen dedicated her life to animal advocacy. After spending eight years at Animals Australia she founded Humane Research Australia, where she worked tirelessly as CEO for 15 years giving a voice to the millions of "invisible" animals subject to experimentation in Australia each year. Right up to her death, Helen continued to speak out for these animals.

In February 2020, when Alfred the baboon escaped from medical experimentation in Sydney, Helen was quick to make a statement to the media. She pointed out that this industry is "shrouded in secrecy" and kept away from the public view. And Helen was spot-on. Many Australians have no idea that their own taxpayer dollars are used to fund the breeding of, holding of and often painful experimentation on animals in medical experimentation facilities. There is a fundamental lack of accountability and transparency in this industry. I will quote Helen from a media release:

Not only is this a cruel and unethical industry, it is a huge waste of precious resources — funding and time that would be better spent on research methods that are applicable to humans — not a pseudo-model of a human that is more likely to lead to erroneous data.

Helen knew that research increasingly shows that animal experimentation is ineffective and unnecessary. For example, studies have shown that 95 per cent of all drugs that are shown to be safe and effective in tests on animals actually fail in human trials—they do not work or are dangerous. That is because animals, including primates, are not good research models for predicting outcomes in human beings. We are very different animals. Indeed, the industry seems to argue that it is justifiable to experiment on these animals because they are nothing like humans, while simultaneously arguing that the science is valid because we are so much the same. The good news is that there are increasing humane alternatives to animal testing, such as computer and cell-based modelling, that are more effective, reliable and cost effective. My commitment to Helen and her family is that we will continue in this place to raise the plight of animals subject to experimentation and ensure they are never forgotten.

**The Hon. MARK PEARSON (16:32):** In reply: I thank everybody who contributed to the condolence motion. It is sending a wonderful message to Helen's family and all those who appreciate her work. I knew Helen for a long time in the animal movement. It is a robust movement full of strong personalities and there are often raging discussions and debates. I can see her face and her big comforting eyes. She was always a quiet person and a peacemaker, but she fought hard. She knew how to work hard for animals. We acknowledge her. All the work she has done means that Helen lives on.

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

**Motion agreed to.**

*Documents***INSURANCE AND CARE NSW****Production of Documents: Order**

**The Hon. DANIEL MOOKHEY:** I move:

That private members' business item No. 1143 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (16:34):** 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, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier; the Department of Premier and Cabinet, the Treasurer, The Treasury, the Minister for Customer Service, the Department of Customer Service, Insurance and Care NSW (icare) or the State Insurance Regulatory Authority relating to the administration of Insurance and Care NSW (icare):

- (a) icare's Statement of Business Intent, including the current and all previous Statements of Business Intent;
- (b) all documents from The Treasury regarding icare's current Statement of Business Intent;
- (c) icare's Nominal Insurer business plans for the 2020-21 and 2021-22 financial years;
- (d) all internal audit reports, however described, created by icare regarding contracts with Employers Mutual Limited;
- (e) all documents, including internal communications, regarding the advertising campaign undertaken by icare to assist repaying persons with incorrect pre-injury average weekly earnings calculations;
- (f) all documents, including internal communications, regarding the overpayment or underpayment of any person entitled to a benefit in any scheme related to:
  - (i) lifetime care;
  - (ii) dust-diseases;
  - (iii) sporting injuries;
- (g) all contracts of employment and documents which identify the key performance indicators required to be met for any short term incentive or bonus payment for:
  - (i) the current CEO and Managing Director of icare;
  - (ii) the current Group Executive, Workers Compensation;
  - (iii) any other icare employee entitled to a short term incentive or bonus payment who has entered into a contract of employment since 1 October 2020;
- (h) in relation to the report by Allens Linklaters into leases entered into by icare with Comensura:
  - (i) all documents, including transcripts of interviews and submissions, provided to Allens Linklaters;
  - (ii) all internal communications by icare;
  - (iii) all versions of the report by Allens Linklaters;
- (i) all documents, including transcripts of interviews and submissions, provided to the Hon Robert McDougall, QC, for the "Independent review of icare and SICG Act";
- (j) the following documents relating to icare and the Brand Influence Group:
  - (i) all contracts with the Brand Influence Group;
  - (ii) all documents regarding all work undertaken for icare by the Brand Influence Group;
  - (iii) all documents regarding any review by icare into its contracts with the Brand Influence Group;
  - (iv) all document which disclose any declarations of conflicts of interest by any person regarding the Brand Influence Group;
- (k) all briefs, including attachments to briefs, sent to, signed by, drafted by or approved by the Treasurer, the Minister for Customer Service, the Secretary of NSW Treasury, the Secretary of the Department of Customer Service or any Deputy Secretary since 1 October 2021 regarding any matter related to:
  - (i) icare, or the Nominal Insurer;
  - (ii) the State Insurance Regulatory Authority;
  - (iii) the Treasury Managed Fund;
  - (iv) any other fund managed by icare;
  - (v) the NSW workers compensation scheme; and
- (l) the following documents created since 1 October 2020:

- (i) all documents prepared for all icare Board meetings;
- (ii) all documents which record decisions made by the icare Board;
- (iii) all documents prepared for icare's Investment and Asset Committee, People and Remuneration Committee, Customer, Innovation and Technology Committee, Governance Committee, Audit and Risk Committee or Foundation Committee;
- (iv) all documents which record decisions made by the icare Board's Investment and Asset Committee, People and Remuneration Committee, Customer, Innovation and Technology Committee, Governance Committee, Audit and Risk Committee and Foundation Committee; and
- (m) 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.

Last night—in March—the Hon. Wes Fang tabled a report by the Law and Justice Committee. He made a point of saying that the process reflected the best traditions of the House in how parties were able to transgress party differences and come together in a way that acquitted members of this House of our duty to provide oversight over major government agencies, especially ones as large as icare. I do not need to remind members that it is a \$38 billion entity responsible for handling 90,000 workers compensation claims in various forms each year. It levies premiums from 326,000 New South Wales businesses, all of whom are facing a 6 per cent premium increase over the next two years.

In the report that the Hon. Wes Fang tabled, which will be debated later, one of the important recommendations was for this House to resume its work towards the end of this year to ensure that the culture change that everyone agreed must occur at icare does in fact occur. It is an important recommendation. It is important to send a signal to that agency that the eyes of this House will stay upon it. An equally important signal is that we will use our powers to continue to apply scrutiny, especially in the reform phase. The organisation is now saying, "Take us on trust; things have changed." The new leadership says, "Take us at our word." Given the widespread concerns of the community, the business community, among sick and injured workers and now in the Government as well about this, it is appropriate that we, in the words of President Reagan, trust but verify.

That is the spirit in which I move this particular motion: the spirit of "trust but verify". It has been a while since I have moved a Standing Order 52 motion against icare. It relates to matters of serious and continuing controversy, including additional controversy that has since surfaced following the last Standing Order 52 motion that the House granted. It will capture icare's statement of business intent. Icare is unique in that it is the only agency that has to produce a statement of business intent that is not tabled in the Parliament. Sydney Water, Essential Energy, Hunter Water and many others must table their statements of business intent. Equally, we are told in another report released last Friday that there is a Nominal Insurer business plan that we have not previously seen. It is important that we see it as it sets the financial targets.

In budget estimates we learnt that the new CEO of icare received a \$120,000 pay increase and he is equally entitled to some short-term bonuses. He was unable at the time to explain precisely what criteria he has to reach in order for him to be paid those short-term incentives or bonus payments. Last week there was a report concerning a controversial lease that was entered into by icare. That report also raises further questions. There are the matters raised in the McDougall review, including evidence that was obtained but not published. That is regrettable as it would have been helpful. I do not know if the decision was Mr McDougall's or the Treasurer's. I again seek to use these powers to continue our scrutiny. I will close with the most powerful and necessary form of scrutiny that we have to apply to all the issues of continuing controversy in relation to icare, and that is to do with the underpayment of workers.

Icare is now denying that 52,000 workers have been underpaid. We are working through the process to exactly identify the class of persons. What we do know is, regardless of how many we say is the class, very few people have been paid. Whether it is the 52,000 that were identified by the State Insurance Regulatory Authority at first instance early in the saga, or the 6,000 to 7,000 that icare thinks might now be affected, as of last Friday when we received new information only 61 have been repaid. That information surfaced after this first came to light in icare in 2018. Since then the 61 people who have been repaid have received, on average, \$14,000. That is a lot of money for a sick and injured worker. We must scrutinise why icare is not doing its job properly, why the remediation is taking so long and why more money has been spent on advertising the remediation program than has been spent on remediating sick and injured workers, including our State's first responders and many of our finest public servants. I commend this motion to the House. I am sure that the Government will enthusiastically support it—but I might be disappointed.

**The Hon. SCOTT FARLOW (16:39):** Usually the Hon. Daniel Mookhey would have me at a Reagan quote, but unfortunately not today. The Government welcomed this week's release of the final reports of the *icare and State Insurance and Care Governance Act 2015 Independent Review* by the Hon. Robert McDougall, QC, and of the Standing Committee on Law and Justice *2020 review of the Workers Compensation Scheme*.

I acknowledge the work of the Hon. Wes Fang in chairing that inquiry, the Hon. Daniel Mookhey and even Mr David Shoebridge, in a collegial manner—and, of course, the Hon. Rod Roberts, who also goes by the title of Assistant President in this Chamber. I acknowledge the consultative manner in which members of the committee undertook their task.

**The Hon. Daniel Mookhey:** Don't be shy. You played a part as well.

**The Hon. SCOTT FARLOW:** I may have played a part in that as well. The Government has accepted all the recommendations apart from those requiring Cabinet consideration, which will be considered in due course. Icare already has taken steps with a reform program to address some of the matters that have been raised, including restructuring the organisation around the schemes it manages, introducing new governance policies, reviewing its remuneration framework, tightening its procurement practices, and committing to reduce operating costs by \$100 million over the next two years. Icare also has a new CEO and a new leadership team. The findings and recommendations of the McDougall report and the review by the Standing Committee on Law and Justice will help icare build on that progress and ensure that injured people and employers are put first.

Given that, it is difficult to understand the intent or purpose of the Standing Order 52 motion currently before the House. The request will capture many documents from stakeholders—not icare and the State Insurance Regulatory Authority [SIRA]—who specifically requested confidentiality. Expectations of confidentiality were part of the reason that the independent review was able to get a full and frank account of the issues. Mr McDougall carried out a detailed and transparent review. All evidence used is cited in the report and there was full transparency about the process that was undertaken. Mr McDougall's review was independent of icare and of the Government.

The reports relied on by Mr McDougall, along with all submissions that informed his very thorough and rigorous review of icare, are all available online. Seeking all source documentation appears to question both the independence and thoroughness of Mr McDougall's findings and recommendations. Icare is committed to publishing regular progress updates on the reform program via its website. It is also in the process of engaging an independent provider to assure the delivery of the recommendations. The Comensura report requested by the order is on icare's website and was considered as part of the McDougall review. The Employers Mutual Limited contract requested under the standing order is available on eTender. A review of icare's remuneration framework was part of the McDougall review.

Public statements have been made regarding the pre-injury average weekly earnings underpayments matter as recently as last week, including the appointment of a cross-government group that includes SIRA and NSW Treasury to address the matter. It also includes a review by Deloitte, which has extensive experience in wage-related matters. It seems the majority of the documents those opposite are seeking have already been reviewed as part of the McDougall review and are already available on icare's website or, in the case of the 2021-22 business plan, still in draft format as it is not due yet. Consequently, one can only assume this standing order is nothing short of a witch-hunt. The Government does not support the Standing Order 52 motion.

**The Hon. DANIEL MOOKHEY (16:42):** In reply: Firstly, I thank the Parliamentary Secretary for his contribution to the debate. Secondly, I remain dismayed that the Government will not be supporting this particular motion. Insofar as the Parliamentary Secretary advanced the argument that the documents are already publicly available, my response is that is not true. It is just plainly not true. There is no way for me to explain to him that they are available because that is just not true. The documents are not publicly available. It would have been helpful if icare or the independent reviewer or, to be fair to them, NSW Treasury had decided to release a lot of the documents requested. That is the first point. Secondly, so much of what Labor seeks now was not even covered by Mr McDougall or the McDougall review. They are new issues that have surfaced since or they are other issues that deserve scrutiny.

It is not right to infer, as the Parliamentary Secretary did, that the Opposition is quibbling with Mr McDougall's recommendations. We on this side have our issues with them but it is equally not right to say that we are eliciting in bad faith. Finally, I really did think that I would get the Parliamentary Secretary by invoking his hero, former President Reagan. He will not do it for me and I am so disappointed that he will not do it for the Gipper.

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

**The House divided.**

Ayes .....	24
Noes .....	16
Majority.....	8

## AYES

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

## NOES

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

**Motion agreed to.***Motions***SOUTH32 DENDROBIUM EXTENSION PROJECT****The Hon. MARK LATHAM:** I move:

That private members' business item No. 1113 outside the order of precedence be considered in a short form format.

**Motion agreed to.****The Hon. MARK LATHAM (16:53):** I move:

That this House requests the Minister for Planning and Public Spaces to exercise power under section 5.12 (4) of the Environmental Planning and Assessment Act 1979 to make an order to declare any future development for the South32 Dendrobium Extension Project to be State significant infrastructure so that the Minister may determine the project.

This is a very significant motion because it gives this Chamber an opportunity to play a role in securing the future of the New South Wales steel industry. The access to high-quality coking coal in the Illawarra is paramount and it is not possible to have a thriving steel industry in this State unless we can access coking coal through BlueScope and other manufacturers. It is on the public record that the South32 Dendrobium Extension Project was knocked back by the Independent Planning Commission [IPC] for spurious reasons. We now recognise, because of that decision and the financial pressures on BlueScope from its woke financiers and its own capital challenge in refitting out a new blast furnace at a cost of \$700 million, that there are challenges for the New South Wales steel industry. That extends also to Gupta steel, which is under financial pressure because of the collapse of Greensill.

For all the MPs who talk about "made in New South Wales"—and there are many of them—the reality is we cannot make anything unless we make steel. Furthermore, the reality is you cannot make steel unless you access high-quality coking coal, particularly in the Illawarra. This mine extension is essential. It is unavoidable that there is an equation here that the Parliament needs to respect and that is that iron plus carbon equals steel. If you talk to BlueScope about hydrogen green steel, it will say that it is at least 20 years away. For the foreseeable future, today's reality is that iron plus carbon equals steel. If we want to make things in New South Wales, we need coking coal combined with iron ore.

The reason BlueScope is in the Illawarra in the first place is to ensure that we can make steel in New South Wales; it is not just for the Illawarra. There will be 3,000 jobs at BlueScope, 1,000 for this mine and 10,000 in the supply chain. Recently at Muswellbrook in the Upper Hunter I was reminded of the integrated nature of this industry. Muswellbrook Steel Supplies brings some of its steel out of BlueScope to remodel it to use in the mines in the Hunter to bring out thermal coal as part of an integrated industry in the two great industrial heartlands of our State—the Illawarra and the Hunter. Yes, these things are important for the Illawarra but they are also important right across New South Wales. The IPC has made mistakes. I think it is arrogance beyond description that the IPC would reject the submission from BlueScope Steel about the importance of the mine and the quality coking coal to its enterprise. It is on the public record, as reported by the ABC, that:

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

When you visit BlueScope and they give you the stunning statistic that its energy cost is twice that of its comparable plant in the United States, you realise the pressures that our steel industry is under. If plants were under global pressure and had to close somewhere, it would not be in the United States; that is obvious. We need to do everything we can as a Parliament to secure this resource in a sensible way and to reject the silly, spurious arguments of the IPC on the BlueScope Steel submission and the importance of scope 3. When China produces a billion tonnes of steel a year using mostly its own coking coal, are we really engaged in a scope 3 argument to kill jobs in Australia thinking somehow it makes any difference in China? It is an absolute absurdity.

I pay tribute to the Minister for Regional New South Wales, Industry and Trade, John Barilaro, who has played a very constructive role in trying to keep the South32 proposal alive. The company has engaged. I thank the member for Wollongong and Labor shadow Minister Paul Scully for his positive role and also the Leader of the Opposition who has an amendment, which is certainly supported by me as the mover of the motion. This is a moment when Parliament makes a difference and gives the motion the emphasis and the push for the Minister for Planning and Public Spaces, Rob Stokes, to call this in as State significant infrastructure development, take from the company a modified application that addresses the issues of water leakage, and produce a development that is environmentally sound and, most importantly, economically important for steelmaking and manufacturing in New South Wales. If we do this right, it will be a fine reflection on the Parliament. I strongly commend the motion to the House and welcome the suggested amendment.

**The Hon. SAM FARRAWAY (16:59):** I support the motion moved by the Hon. Mark Latham. The issue of the Dendrobium mine and the proposed extension should be beyond politics, as the honourable member has highlighted. This motion backs jobs and job security in the region and has a multiplier effect for those jobs across the broader Illawarra region and New South Wales. The original proposal for the Dendrobium mine is not a new mine. It is an extension to an existing mine. The company has mined in that area in and around the Sydney water catchment for decades. There is no mystery to any of this. I acknowledge that some of the issues raised by the Independent Planning Commission [IPC] and the project's proponent will need to be revisited and addressed adequately. The decision by the IPC stands but as a government we must recognise the uncertainty this decision has created for the thousands of workers at the mine and the many more who depend on it, including the operations at BlueScope Steel.

Those steelworkers are critical to the future of manufacturing in New South Wales. Steel is the backbone of construction in this State and across Australia. The motion goes beyond just one mine. Support for the Dendrobium extension project extends to the viability of the colliery, the BlueScope steelworks, their suppliers, customers and the thousands of people who are employed directly and indirectly. This is a good motion, an important motion, and it supports the workers of the Illawarra and the New South Wales economy. In the midst of a global pandemic, jobs and job security have never been more important. That is what we all hear on the ground and certainly what I hear. The motion aligns with the Government's priorities to secure a safer and stronger New South Wales. For that reason I support the motion.

**The Hon. ADAM SEARLE (17:01):** The Opposition supports the motion moved by the Hon. Mark Latham, with an amendment, which I will move in due course. It is quite clear that the decision of the Independent Planning Commission [IPC] on Dendrobium took many by surprise. The mine has always operated in a very sensitive area to do with water catchment. Of course, it has been the position of the scientists that mining can take place in the catchment land, subject to stringent conditions. A number of local residents and organisations who did not support the proposal to extend the life of the Dendrobium mine nevertheless expected a limited approval or one with additional stringent conditions, similar to earlier Independent Planning Commission approvals, for example for the controversial Russell Vale mine.

Coking coal from the Dendrobium mine and the Appin mine, which is part of the integrated Illawarra coal supply, shows that one mine cannot operate alone in this case and is important for steelmaking in the Illawarra. The fact is if we are serious about transitioning our economy to lower carbon emissions, to changing our energy supply to lower carbon emission sources, we need steel. We need steel to build the institutions of the future. Of course, steel from the Illawarra is vital to the economy.

**The Hon. Mark Latham:** Build them here.

**The Hon. ADAM SEARLE:** I acknowledge that interjection. I understand. But nevertheless the decision here has caused some consternation. The experts say there can be mining here, but this particular application was not successful. I have a slightly different perspective on the Independent Planning Commission to the Hon. Mark Latham. It is the fact that the overwhelming majority of mining applications, modifications or variations in this State are approved. A handful have not been and some of those have been high profile and controversial, such as this matter.

The motion before the House, with appropriate amendments, directs the attention of the Minister to a number of the issues that need to be addressed. The Port Kembla steelworks was established near the southern coking coalfields nearly 100 years ago because of the quality of the coking coal in the coalfields and its input into the steelmaking process. Without this resource we simply cannot make the steel we need for the future, not only for renewables but also for all other parts of industry. For the Labor Party, supporting steelmaking and the integrated steel supply chain in the Illawarra has always been and will continue to be important.

Were it not for many Labor governments of the past there would not be a steel industry in the Illawarra. Labor governments and the Labor Party have always been willing to support steelmaking in that region since it started to be produced and we support it just as strongly today as we have because we recognise that it is central to the agenda that NSW Labor wants to see for the State and central to the agenda that a future Federal Labor Government also wants to implement. It is a central part of making sure that New South Wales and our country continues to have the essential ingredients to make and fabricate things. In the case of the flat products and steel framing produced in Port Kembla, it is also necessary for building new homes. We support the continued steel production because we want to see local steel used in every school, hospital, bridge and infrastructure. I move:

That the question be amended by inserting at the end:

(2) That this House requests that:

- (a) South32 lodge a new planning proposal for the Dendrobium Extension Project, which takes into account issues raised by the Independent Planning Commission in its Statement of Reasons of 5 February 2021; and
- (b) the assessment of a new planning proposal is undertaken in a manner consistent with applicable planning controls and environmental standards, and is conducted over a period of no more than 24 weeks from the receipt of any new application.

**Mr JUSTIN FIELD (17:05):** I acknowledge the comments by the Hon. Adam Searle. It did take people by surprise when the Independent Planning Commission [IPC] rejected the Dendrobium Mine Extension Project because in 2020 the IPC approved every other single resource project: Russell Vale underground, Narrabri Gas Project, Maxwell underground, Vickery extension, the Chain Valley colliery and Mannering colliery modifications, and Glendell coalmine modification. Last year not a single resource project was rejected by the IPC. That is the reality of the planning system in New South Wales. We want an independent planning system. We do not want the Ministers to decide on political grounds because the member here moves it, runs up an agenda in the right-wing press about it and runs all sorts of spurious arguments about the relationship between this particular project and the steelworks.

The IPC assessment makes absolutely clear a number of findings around the question of the assumption that BlueScope Steel is reliant on the expansion of Dendrobium. While South32 currently provides a significant amount of BlueScope's requirements, most comes from other mines than Dendrobium. Coal from Dendrobium is primarily 77 per cent exported and shipped to markets outside of the Illawarra. The coal identified by BlueScope as preferred is the Wongawilli coal seam, which will not be mined for 19 years after approval, according to South32's own documents. In fact, the IPC found the dependence of BlueScope on Wongawilli seam coal from the Dendrobium mine is unclear given an alternative source to the Wongawilli seam coal would need to be found after the proposed cessation of longwall mining of the Dendrobium mine in 2024, even if the project was approved. The assumption that this is needed to keep the steelworks going is absolutely wrong. The planning department got it absolutely wrong. In addition to Labor's amendment I move:

That the question be amended by inserting at the end:

- (2) That this House also requests the Minister direct the Natural Resources Commission or commissions a similarly independent body to provide the Minister with advice on the dependence of BlueScope Steel's Illawarra operations on the South32 Dendrobium Extension Project.

Let us have all of the information on the table. I am concerned about the proposal that we direct or encourage the Minister to declare this project State-significant infrastructure. It has never, ever happened for a coalmine in the history of New South Wales. Why would we do it for this particular project, given the detailed assessment by the IPC and findings, primarily on environmental grounds and the impact on our drinking water system for the Sydney Basin? The IPC does not make findings like that very regularly. We should take them seriously when it does. Given the detailed assessment and findings by the IPC, on what possible basis could the planning Minister of this State come up with an alternative decision? He would have to reject the findings of the IPC, and I think that is a particularly worrying option being proposed in the House.

**The Hon. TAYLOR MARTIN (17:08):** We welcome the Opposition's proposed support for the motion and in turn we support the Opposition's amendment. As we have heard earlier, this is a motion that goes beyond politics. This is about jobs. As we recover from the global pandemic and the economy rebounds, jobs in regions like the Illawarra, just like in the Hunter, have never been more important. That is what makes this motion critical. The proponent of the Dendrobium Mine Extension Project will have to lodge a new mine plan. It will have to

address the issues identified by the Independent Planning Commission. This motion and the proposed amendment by the Opposition makes that abundantly clear.

The assessment of any reworked mine plan would be done by the planning department and would be assessed entirely consistently with applicable planning controls and environmental standards. This is not about any shortcuts. We must make that clear. This extension project is critical to the future prosperity of the Illawarra and for New South Wales more broadly. We need to find a way forward on this. If the amendments of those opposite help, they will send a strong message from this House. We stand ready to support the amendments in concert with the original motion moved by the Hon. Mark Latham. There should be cross-party support for the Dendrobium Mine Extension Project being reworked and then reassessed as a piece of State significant infrastructure. That is why the Government will support the motion and the Opposition's amendment.

**Mr DAVID SHOEBRIDGE (17:10):** On behalf of The Greens, I indicate that we do not support this motion. First of all, The Greens support the steel industry in the Illawarra. We support this House and this Parliament paying close attention to the steel industry in the Illawarra and to BlueScope to make sure that there is a viable long-term future for the thousands of jobs and the downstream engineering and manufacturing jobs that come from having a steelworks in the Illawarra. But the fact of the matter is that if that steelworks is going to survive in a carbon-constrained world, it must move towards green steel and we must see investment from State and Federal governments to make that happen. That needs to happen in a decade or less in order for us to be certain of the ongoing security of the steel industry. We should look at the reasons the Independent Planning Commission gave when it rejected the Dendrobium Mine Extension Project. First of all, it points out the very real impact upon Sydney's water supply. I will read one small extract from the report:

... the subsidence effects resulting from the proposed longwall mine design are likely to be significant with surface-to-seam cracking predicted within Areas 5 and 6. This subsidence will result in the degradation of 25 watercourses and swamps in the Metropolitan Special Area—

that is the water catchment for everyone in Sydney—

—and lead to the potential instability and fracturing of up to 40 cliffs located above the proposed longwalls. It would also result in detrimental impacts to biodiversity, threatened ecological communities, such as upland swamps, and Aboriginal cultural artefacts and values.

The Independent Planning Commission is the organisation that has approved every other coalmine but it says, "Just not this one." When it comes to the need for BlueScope to rely upon it, the commission rejects that assertion on the evidence provided by BlueScope. Again, I read from the report:

The Commission accepts that the Dendrobium Mine does contribute coal to BlueScope SteelWorks ...

Although the majority is exported. Then it says:

The dependence of BlueScope SteelWorks on Wongawilli Seam coal from the Dendrobium Mine is unclear given that the Wongawilli Seam coal would not be available for some considerable time after the proposed cessation of longwall mining at Dendrobium Mine in 2024 even if the Project was approved. This is based on the Applicant's scheduling of Area 5 (Bulli Seam) from 2024, followed some 19 years later by Area 6 (Wongawilli Seam). The Commission does not accept the suggested dependence of BlueScope Steel works on ongoing access to the Wongawilli Seam coal from this Project.

BlueScope says it has this goal 19 years into the future. This scaremongering coming from right-wing minority voices in the community has no foundation in truth. We support steel and oppose this project, and we support the drinking supplier for Sydney and oppose this project. Those positions are consistent.

**The Hon. ADAM SEARLE (17:13):** I speak on Mr Justin Field's amendment but before I do that I clarify that my amendment reads:

- (a) South32 lodge a new planning proposal for the Dendrobium Extension Project, which takes into account issues raised by the Independent Planning Commission in its Statement of Reasons of 5 February 2021; and
- (b) the assessment of a new planning proposal is undertaken in a manner consistent with applicable planning controls and environmental standards, and is conducted over a period of no more than 24 weeks from the receipt of any new application.

I understand Mr Justin Field's amendment seeks to add a paragraph (c) to my amendment, as it were. The Opposition does not oppose Mr Justin Field's amendment because it simply asks for the delineation and a report indicating the extent of the dependence, which is, from our perspective, not in question. Of course, while we support the thrust of the motion, we say it should not just be a blank cheque; it has to be constrained by a new planning proposal. Just because you can approve a plan in an area does not mean you have to approve just any plan. It may well be that there were problems with the particular plan that was put before the Independent Planning Commission.

The Opposition supports the independent umpire. There is no point having an independent umpire if you are going to cavil with all of its decisions. Sometimes those decisions go in your favour and sometimes they do

not. That is the point. You need to have a new application and that assessment must be under the existing planning laws and standards. Again, the contribution from Mr Justin Field is most welcome because it would be useful to place more on the public record about the economic interrelationship and dependence of these matters in the integrated supply chain in the Illawarra. We support Mr Justin Field's amendment, we have moved our amendment and ultimately, on the basis that the motion is amended, we support the motion.

**Mr DAVID SHOEBRIDGE (17:15):** I speak briefly to the two amendments that are before the House. First, Labor's amendment requests that the coalmining company lodge a new planning proposal for the Dendrobium Mine Extension Project, saying that it has to be assessed within no more than 24 weeks. It also supports a motion put up by Pauline Hanson's One Nation Party saying that the decision should be made not by the independent umpire but by the Minister. You cannot say—as Labor is trying to do here—on the one hand that you support the independent umpire, and on the other hand that you support a fresh application being lodged for the coalmine and the decision being made not by the independent umpire but by the Minister. You cannot say those two things at the same time and pretend to have consistency in the debate.

This is about undermining the one occasion when the Independent Planning Commission actually said no to a coalmine. Both Labor members and Coalition members are so horrified that for once the Independent Planning Commission rejected a coalmine that they are doing everything they can to undermine the process. It does neither party any credit.

**The Hon. MARK LATHAM (17:17):** In reply: I thank the contributors to the debate: the Hon. Sam Faraway, the Hon. Taylor Martin, the Hon. Adam Searle, Mr Justin Field and the representative from David Shoebridge's Greens party. I point out that I accept the Labor amendment, but not the amendment moved by Mr Justin Field. I also strike at the stunning arrogance not just of the two Independent Planning Commission [IPC] commissioners, one who is a junior town planner and the other a local government consultant, but also of Mr Justin Field and Mr David Shoebridge and say that they are clearly in the wrong business. They keep arguing that they know more about the best commercial interests of BlueScope Steel, which is a multibillion-dollar operation, than BlueScope Steel. Some of these characters can barely fill in their TA forms. But their arrogance in saying, "We know more about what BlueScope needs than BlueScope does," is quite stunning and also an act of complete folly.

I do not know where they think, in Australia's best interests, the steel will come from to build their solar panels and their windmills. Will fairy dust be spread around New South Wales and all of a sudden some miracle will produce the steel that is needed for the solar panels and the windmills, which are supposed to provide the jobs bonanza? The fraud of the green energy transition is laid out. They do not want any Australian-made solar panels and windmills for the simple reason that we will not have any steel. No coking coal means no steel, which means no Australian-made solar panels and windmills.

I am sorry, this is economics 101—which is way above the pay grade and way above the IQ of those opposite. But the economic reality is that unless we want to be completely reliant on China and unless we are totally against Australian jobs, we need steel here to make the solar panels and the windmills that are supported by The Greens in all their flowery rhetoric about the energy transition. I am trying to help these people with a policy they otherwise present and advocate. Sometimes they just cannot be helped. I am afraid where there is no intelligence, there is no public policy. The position they have arrived at is to knock back the engine of steelmaking, the coking coal, and the unavoidable fundamental equation that iron plus carbon equals steel. Without steel, we have no solar panels and no windmills.

This is a very good resolution for the Parliament to pursue. The decision of the IPC—it knows jack all about the best commercial interests of BlueScope Steel—was clearly faulty. Let's back the company and the thousands of workers in the Illawarra and beyond. Let's support the resolution as a very good point of advocacy to Rob Stokes and the Berejiklian Government to get on with the job. For all that rhetoric, if we want to make things in New South Wales, we need to make steel. To create manufacturing jobs and to have a manufacturing future, it cannot be done without steel. That is the bare reality, and the economics of the fairies at the bottom of the garden is never going to change that.

**The PRESIDENT:** The Hon. Mark Latham has moved a motion, to which the Hon. Adam Searle and Mr Justin Field have moved amendments. The question is that the amendment of the Hon. Adam Searle be agreed to.

**Amendment agreed to.**

**The PRESIDENT:** The question is that the amendment of Mr Justin Field be agreed to.

**Amendment negatived.**

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

**The House divided.**

Ayes .....34  
Noes .....6  
Majority.....28

**AYES**

Amato	Harwin	Moselmane
Banasiak	Houssos	Nile
Borsak	Jackson	Primrose
Buttigieg (teller)	Khan	Roberts
Cusack	Latham	Searle
D'Adam (teller)	Maclaren-Jones	Secord
Donnelly	Mallard	Sharpe
Fang	Martin	Taylor
Farlow	Mitchell	Tudehope
Farraway	Mookhey	Veitch
Franklin	Moriarty	Ward
Graham		

**NOES**

Boyd (teller)	Field	Pearson
Faehrmann	Hurst	Shoebridge (teller)

**Motion as amended agreed to.**

*Documents*

**MONARO FARMING SYSTEMS**

**Production of Documents: Order Amended**

**The Hon. MICK VEITCH:** I move:

That private members' business item No. 1150 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (17:34):** I seek leave to amend private members' business item No. 1150 outside the order of precedence for today of which I have given notice by omitting in paragraph (5) "two days" and inserting instead "five days".

**Leave granted.**

**The Hon. MICK VEITCH:** Accordingly, I move:

That the resolution of the House of 17 March 2021 under Standing Order 52 relating to the Monaro Farming Systems be amended as follows:

- (1) Omit "created since 1 April 2011" and insert instead "created since 1 April 2015";
- (2) Omit paragraph (e) and insert instead "correspondence between any government agency or department and Monaro Farming Systems that relate to paragraphs (a) to (d) of the order";
- (3) Omit paragraph (i) and insert instead "all other documents relating to Monaro Farming Systems that relate to paragraphs (a) to (d) of the order";
- (4) Insert after paragraph (i):
  - (k) all probity adviser reports and probity auditor reports on funding relating to Monaro Farming Systems; and
- (5) Insert at the end:
  - (2) That all outstanding documents be laid upon the table within 14 days of the passing of this resolution with the exception of documents in paragraph (k) being laid upon the table within five days of the passing of this resolution.

I extend my appreciation to Government members for the conversations we have been having around this matter and for the good faith way in which they have been conducted. I commend the motion to the House.

**The Hon. TAYLOR MARTIN (17:35):** The Government will not oppose this variation to the Monaro Farming Systems Standing Order 52 request. We appreciate that discussions have proceeded in good faith on this matter.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**Mr DAVID SHOEBRIDGE:** On behalf of the Hon. Robert Borsak: I move:

That private members' business item No. 1141 outside the order of precedence be postponed until a later hour of the sitting.

**Motion agreed to.**

*Motions*

**UPPER HUNTER MINING ROYALTIES**

**The Hon. JOHN GRAHAM:** I move:

That private members' business item No. 1161 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (17:37):** I move:

That this House notes:

- (a) the hundreds of millions of dollars in mining royalties generated each year for the State from the Upper Hunter; and
- (b) community concern in the Upper Hunter about a lack of State Government support across health, education, transport and in generating jobs for the region.

This motion refers to the tremendous wealth that is generated in the Upper Hunter and simply asks a question about what the community is getting back. That is at the heart of this motion. The Upper Hunter is one of the great wealth creating parts of the State. It is a remarkable area that is very diverse in its economic activity, but more than half of the State's mining royalties are generated in just two towns—Singleton and Muswellbrook. That is where the vast majority of the State's coal royalties come from, and that has a big impact on those communities. Mining has an impact on the clean air that kids breathe. The trucks that drive through the area have an impact on the roads. But the mining royalties are of tremendous use to the State.

As I said, the Upper Hunter is one of the great wealth creating regions. We all benefit from the money flowing down the M1 into the Treasury coffers. All that the region is asking for is its fair share from the tremendous wealth that is generated there. Of course, the Upper Hunter is far from being just a coal region. There is remarkable agriculture and many wine growing areas. It is also the major centre for our equine industry. The community feels that incredible wealth is being generated but with very little back. That is what this motion recognises and acknowledges.

In recent weeks some members have been spending more time there. The Hon. Mick Veitch and I have been there on a number of occasions, and we have seen the roads in the region. We have done the "Singleton shuffle", sitting in the car and not going anywhere because the promised Singleton bypass has not been delivered. It should have been built in 2017 but has not even started. There is no sign of construction, and it has a long way to go. Dungog Shire Council is the only council in the State doing it all by itself. Dungog does not have a single State road. All its roads are maintained by the council, but it is struggling. That is simply not viable. Again, promises of change have been made, but nothing has happened on that issue.

When we ask what the area is getting back from the State Government, the most upsetting issues relate to education and training. I urge members to think about the economic changes occurring in the region and about the future jobs that the kids will do there. But the State is backing out of training. It is selling off Scone TAFE, and there are concerns about whether the Muswellbrook TAFE campuses will be sold. I cannot think of a place in the State where it is more of a crime to be backing out of education, given the economic changes that will roll through the region. The Upper Hunter has a bright future but it will not get there without education for kids of the Hunter.

In my view that is probably the greatest crime, but it is not the only one in the area. If we talk about navigating towards those future jobs for the farmers, the manufacturers and the wine industry, this Government's policy is to constrain the Newcastle port in a secret deal to ship coal out. That will happen for quite some time.

The fact is a secret deal exists to keep Newcastle as a coal port, rather than let the farmers, manufacturers and winemakers of the Upper Hunter benefit from containerisation to ship out their produce all around the world. If someone in the Upper Hunter has a bright idea, they cannot ship out of Newcastle; they have to go via Brisbane. That is a tax on innovation, jobs, farmers, manufacturers and winemakers, and it is holding the region back.

Finally, at the end of last year we had a long, contentious debate in which the Opposition fought to have a renewable energy zone located in Newcastle and the Central Coast. The Parliament legislated that, but this Government has done nothing to set a target for it. Without the sort of target that is in place in the Central West, the jobs from that renewable energy zone simply will not flow to the Hunter area. Once again, the Hunter will lack their fair share.

**The Hon. TAYLOR MARTIN (17:43):** Recently the New South Wales Government established a Royalties for Rejuvenation fund, which will have a portion of mining royalties dedicated to it. In the same way that the Commonwealth's Future Fund and the NSW Generations Fund are delivering strong returns, the Royalties for Rejuvenation fund will achieve similar results into the future. That can only be good news for the people of the Hunter Valley and for mining-impacted communities more broadly across New South Wales, because the money from this fund will help diversify industry and jobs in those areas.

Last year the New South Wales Government released its Future of Coal strategy, which for the first time identified potential new mining areas that had a future and ruled out areas best suited for other uses. That policy statement from the Deputy Premier has been welcomed by the industry, helping to provide certainty and confidence. When those opposite were in office we saw nothing like that. Instead they handed out exploration licences and mining leases like confetti.

The New South Wales Government's Future of Coal strategy provides a clear outline. In addition to the Resources for Regions program, we now have the new Royalties for Rejuvenation fund, which demonstrates our clear commitment to the people of rural and regional New South Wales but particularly to those in mining-heavy areas. We are paving the way for those communities to diversify their industries further—growing the pie larger rather than worrying about how we cut it up or getting rid of some of the pieces—even while global demand for our coal exports remains strong in our part of the world.

**Mr DAVID SHOEBRIDGE (17:45):** On behalf of The Greens, I support the motion but also propose an amendment. I move:

That the question be amended by inserting at the end:

- (2) That this House calls on the New South Wales Government and Parliament to invest a minimum of 20 per cent of all annual fossil fuel royalties directly into a coal community and environmental trust to rebuild and restore the environment and the economies and services of coal communities, including the Upper Hunter.

For too long a lie and lack of truth have been given to coal-dependent communities across the State by both the Coalition and Labor, seen at its most extreme in the Upper Hunter by-election—this pretence that coal will live on forever and that those communities will continue to have thousands of jobs in the coal industry as the rest of the world moves to decarbonise their economies. If our economy continues to be so fossil fuel reliant, we will be hit by tariff wall after tariff wall as the rest of the world moves to a zero-carbon economy. We will not be allowed to continue to be international climate change pariahs in a world that is trying to make itself safer. We have seen the Leader of the Opposition, the Premier and the Leader of the National Party pretend that we can simply ignore climate change, the terrible fire season that we had at the end of 2019 into 2020, the terrible droughts and the way the rest of the world is moving.

The Premier and the National Party do not want to confront that Trump is no longer the President of the United States and that the rest of the world is moving on climate change. They pretend that we can have permanent dependency on purely coal-dependent jobs in the Upper Hunter. But that is lying to the people of the Upper Hunter. I commend The Greens candidate in the Upper Hunter, Sue Abbott, who has been out there telling the hard truth and pointing the way forward. The key way forward is to say to the people of the Upper Hunter and all coal-dependent communities that this wealth will end very soon and that these communities deserve a fair share of it. That is why The Greens propose the amendment.

Twenty per cent of coal royalties over the next 10 years as we transition out of the coal industry would put \$1.5 billion into coal-dependent communities. That can rebuild the TAFEs, rebuild the services, provide investment in environmental restoration and in future jobs for kids. That is what those communities need—truth about climate change, truth about the future of coal and a plan so that through their own efforts and their own wealth they can help rebuild their future.

**The Hon. MICK VEITCH (17:48):** I speak in support of the motion. I highlight some of the issues that people encounter when they go to this lovely part of the world. During the last State election, I had the opportunity

to talk to Dungog Shire Council about its roads. Recently I had another opportunity to talk to a number of other councils about the conditions of their roads. The Upper Hunter by-election puts a spotlight on an issue of concern to many regional communities. The regional roads Minister is currently sitting on the road classification report, which is an interim report arising from a body of work conducted by the review panel. The Opposition says to the Minister, "Do not sit on that report."

Those communities want to know whether their roads will be reclassified and, if they are to be reclassified, what that will look like and what the investment will be. Right now councils are going through the process of constructing their budgets for next year. They need to know whether they will have some of these roads on their books or whether they will be transferred to the State as a part of the reclassification process. The Minister should not sit on this report. The Minister should release this report before people go to the polls for the Upper Hunter by-election.

Some of those roads are critical pieces of infrastructure in that part of the world. I have sat at about 5.30 a.m. outside a very nice coffee shop in the main road of Singleton and waited and waited for a break in the traffic. It is worse than some city traffic, and it is just people going to work. Not long after, the reverse happens when people head out of the shift change and go back to the lower Hunter. Singleton deserves the bypass and it should have had the bypass. The council is pretty keen on the interchange and there has been a lot of community comment about it.

Last week I wanted to go through Willow Tree to Merriwa, but that road is shut. It has been shut for three years. That is the sort of thing that the royalties could go into. They could go back into these communities to make sure that the infrastructure is of a standard that they would expect. People just want their share of the royalties that leave their local government area to come back to them. There is no reason not to do that. Wherever you go in the electorate councils have a competition as to who has the worst roads. They actually talk about it in that context, "We have the worst roads." One council will say, "You'll hear Dungog say they've got the worst roads; actually, we've got the worst roads." They do not have the money. [*Time expired.*]

**The Hon. SAM FARRAWAY (17:51):** The motion seems to claim that the New South Wales Government is taking all these royalties and not reinvesting them back into regional communities like the Upper Hunter. The reality is that the Government is supporting regional jobs, including all those jobs that are in the Upper Hunter, through multiple programs. As my colleague the Hon. Taylor Martin suggested, one of them is the Resources for Regions program. Since 2012 some \$345 million has been allocated to 149 projects from rounds one to seven of that program alone. Round seven has been the most successful to date, and for the first time each of the 24 eligible mining-affected communities received a guaranteed allocation of funding. By contrast, NSW Labor never spent a cent on a mining support program.

When it comes to supporting jobs and supporting projects in the Upper Hunter, the Resources for Regions program has contributed significant amounts. Some examples of funding include the following: Singleton showground, \$449,000; Singleton Worker Pathways program, \$300,000; Hamiltons Crossing Road causeway, \$1.51 million; Murrurundi Art Gallery and Indigenous Centre, \$50,000; and Singleton Rugby Club grandstand stage two, \$500,000. Those are just some of the ways that the Government is reinvesting the money it takes in royalties back into the hardworking regional communities that are the engine room of the State's economy. As we all appreciate, the mining and resources sector plays an important role in supporting a strong New South Wales economy and it is the backbone of many regional communities. Around 40,000 direct jobs exist in mining regions across the State.

We have spoken a lot about the Upper Hunter, but the Resources for Regions program is being rolled out right across all mining-impacted communities. It could be the Cabonne shire, Orange, Cobar, Broken Hill or the Narrabri region. In my 18 months as a member of this Parliament I have travelled the length and breadth of the mining communities across this State. I have spoken to the communities, the sporting clubs, the local councils and the local mayors. I dare members to find one mayor or community leader who would say that the Resources for Regions program is not a winner and is not investing royalties back into the communities that they were generated from. [*Time expired.*]

**Ms ABIGAIL BOYD (17:54):** I support the motion and the amendment moved by my colleague the Mr David Shoebridge. I endorse his comments. In the Upper Hunter and the Hunter Valley generally communities know that their towns have contributed to the State's economy for decades. But they also see very clearly the writing on the wall that the coal industry is dying. The quality of jobs in the industry is getting more precarious, conditions are getting worse and they need a plan. They need a transition away from coal. They are telling us that. We have communities that are calling out for help in transitioning into new industries and we have a government that is telling them, "No, not yet. We still have something to get out of you. We still want you to be in a precarious position without knowing what your future is," because it suits the government of the day.

The people of the Hunter know that transition is not a case of if, but when. They are actively working to try to prepare and plan that transition. The Hunter Jobs Alliance is doing great work in the Hunter and is calling for support for grassroots organising in the community. Its members are calling for direct funding into high-quality training, education and TAFE and for funding into alternative industries. They are looking for financial support for blue-collar workers and those who are in the middle of their working lives and careers. They are clearly calling on the Government to tell them the truth and to allow them to have the transition plan that they deserve. Finally, \$25 million a year to the Royalties for Rejuvenation fund is an absolute joke. Muswellbrook alone contributes \$400 million in royalties each year. To throw that community a measly \$25 million when they are being faced with \$600 million in health costs each year due to air pollution is a slap in the face. They are not stupid; they know that it is a slap in the face. I urge the Opposition in particular— [*Time expired.*]

**The Hon. ROSE JACKSON (17:57):** I support the motion moved by my colleague the Hon. John Graham. In response to the suggestion that the New South Wales Government is somehow not providing proper support to our regions, members opposite have pointed to the Resources for Regions program and suggested that it is an example of the Government taking royalties earned from things like coalmining in areas like the Upper Hunter and reinvesting them in those communities. But that is not actually true, is it? The money from the Resources for Regions program does not come from mining royalties. Where does it come from? It comes from asset sales—privatisation. How is that program funded? Do not be misled. It is not funded from royalties; it is funded from privatisation. That is how they are investing that money. If they want to continue to have money to invest, we know what they are going to do—more privatisation. That is how they are going to get more money.

What is next on the chopping block? Is Hunter Water the next to go? I see members opposite shaking their heads. Maybe I would believe them if there had not been lie after lie about privatisation. Before the last election, the Premier stood up and said, "No more. No deal. We hear the community; you don't support privatisation." What happened after the election? Sydney Buses and the rest of WestConnex will be privatised. It is all going to go under this Government, and once it is gone it is gone for good. We will not get it back. Will it be Hunter Water? Probably, possibly, maybe. Will it be the Muswellbrook TAFE? Is that next to go? Are we going to have yet more gutting of tertiary education and training in the area? Scone TAFE is gone already. If they are going to continue with their Resources for Regions program they are going to have to look at these things, because that is how the program was funded.

I give the Treasurer and the Premier points for being up-front. Personally, I would have read the writing on the wall and thought, wow, this privatisation is really unpopular with the community. We probably need to stop that. But they are reported on the front page of the newspaper as saying, "Vote Nationals: more privatisation". The Premier was not belling the cat; she was shouting it from the rooftops! If people want Hunter Water gone, if they want Muswellbrook TAFE gone, if they want thousands and thousands of jobs lost as the rest of the electricity network goes—if that is what they want, then vote Nationals. If they want to invest in public assets—if they want to defend TAFE and public assets like Hunter Water—then vote for Jeff Drayton. Vote for Labor. He is the one who is going to be investing in those community assets. The Nationals are going to cosy up to the Libs in Sydney and just sell it all. [*Time expired.*]

**The Hon. NATALIE WARD (18:00):** I contribute to debate to oppose this motion. Those opposite seem to have missed the point when it comes to mining royalties. The 2020-21 New South Wales State budget committed to redirect future distributions from State-owned corporations and mining royalties into the NSW Generations Fund. Why did we do this? To ensure that future taxpayers would not be burdened with the cost of repaying the expenses associated with drought, COVID, bushfires and floods. Let us not burden them; let us put the money into the future fund. If it was not for this sovereign wealth fund, net debt in New South Wales would be \$19 billion greater by the end of this decade. It means New South Wales will be \$19 billion better off by 2030. We are thinking about those after us and of the future, not just ourselves.

What would those opposite do with that money? They have not shown an inkling of fiscal responsibility. On this side of the House, however, as a responsible government we are planning for the future and saving for the future. Those mining royalties of close to \$2 billion each year are going into the NSW Generations Fund. It was first seeded with \$3 billion in the 2018-19 budget and has already grown to \$11 billion. The decision to commit mining royalties to the fund will turbocharge its growth. This generations fund will ensure that future generations of taxpayers do not carry the burden of COVID through higher taxes or lower levels of service delivery and infrastructure investment.

The only threat faced by the people of the Upper Hunter—or anywhere else, for that matter—is the frightening possibility that those opposite might one day sit on this side of the Chamber. Then we would see all of those hard-earned royalties wasted on vanity ideas, feasibility studies and press releases trumpeting projects that never become a reality. The Hon. Walt Secord knows that because he used to draft those press releases all the time! The New South Wales Government's Resources for Regions is also helping to safeguard those communities

impacted by coalmining. The recently announced Royalties for Rejuvenation will set aside a portion of those royalties—

**Mr David Shoebridge:** One per cent!

**The Hon. NATALIE WARD:** —each year to help support diversification of coalmining communities while royalty revenues remain strong.

**Mr David Shoebridge:** It is 1 per cent!

**The Hon. NATALIE WARD:** Well, I cannot see anything coming from those members opposite, and I cannot see any proposition from you, Mr Shoebridge.

**Mr David Shoebridge:** Twenty per cent!

**The Hon. NATALIE WARD:** Only this Liberal-Nationals Government is using mining royalties to plan for the future and ensure that future generations are not burdened by the COVID challenges today—or The Greens challenges of today. It ensures the long-term funding of schools, hospitals, roads and policing is there. We are not burdening our next generation; we are dealing with it as we should. This is our problem to deal with in our time, and we are doing exactly that. We oppose the motion.

**The Hon. JOHN GRAHAM (18:03):** In reply: I thought this was a pretty simple motion. Passing this motion would simply recognise the community concern in one of the great wealth-generating regions of the State that they want a little bit more back. I did not especially think that was a controversial motion. I expect that it will be passed by this Chamber. I would have hoped to attract some more support from the Government benches. That has not been the case. Instead, the answer has been, "You have never had it so good." That is how I would characterise the answer and the list of projects that has come: "You have never had it so good." That is really the message back if members are voting this motion down. My colleague the Hon. Rose Jackson is entirely right: Resources for Regions is an asset sales fund. I invite the Hon. Sam Faraway to put the view he has put about Resources for Regions in Singleton. Turn up in Singleton and put the view that they have never had it so good—

**The Hon. Sam Faraway:** Sue Moore is very supportive. The local mayor is very supportive. Ask the local mayor.

**The Hon. JOHN GRAHAM:** —after the years of cheating Singleton out of this fund. The member indicates that there has been some recent improvement in that. That is true. In 2020 a little over \$4 million went back into Singleton. Finally they got a little slice of the pie. The problem for the member is that some \$4 million came back to Singleton after being cheated year after year, but what went out of Singleton was \$340 million every year. That is the inequity at the heart of this motion. This is what the community is saying: "We are generating the wealth in mining, the equine industries, wine and agriculture and we are just not getting our share back." That is what this motion recognises: that simple community concern.

I indicate that we appreciate The Greens amendment drawing attention to tying royalties to some investment back into the area. We will not be supporting that amendment for an environmental trust. However, what we are saying is that this should be a fair deal for this region. What would the Opposition reinvest this money in? We would invest it in roads. We would invest it in Dungog. We would invest it in some of these roads that have been failing for three years. We would invest it in Muswellbrook Hospital, where the doors swing open in its surgical ward and there is simply no operating theatre. We would invest it in the TAFE system in the Upper Hunter. That is what we would do. The Chamber has a chance to recognise the fact that far from having it so good, this region simply wants a little bit back. That is what we will be voting for, and I look to see what the Government will be doing in response.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Before the question is put, I am delighted to welcome a very special visitor to the Chamber tonight: the Hon. Damien Tudehope's granddaughter, Alice. She is doing very well and we are delighted to have her here tonight.

**The PRESIDENT:** The Hon. John Graham has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....6  
Noes .....28  
Majority.....22

AYES

Boyd (teller)

Field

Pearson



The scheme will make it easier for workers to take up job opportunities wherever they arise—and there is no more critical time than now. A delay to the reporting date for the portfolio committee's inquiry into the bill until 10 June 2021 would jeopardise the scheme's commencement date of 1 July 2021. It does not provide enough time for the Government to respond to the committee's inquiry report before the final sitting week of June. If the New South Wales bill is not passed by the end of June, the Commonwealth will not be able to enact its amendments to the Mutual Recognition Act 1992 by 1 July 2021—it is just too tight. The New South Wales bill provides an amendment referral to the Commonwealth Parliament and the referral is required for the Commonwealth Parliament to pass the amendments to implement a new uniform automatic mutual recognition [AMR] scheme for occupational registrations across State and Territory borders.

It is important that the AMR scheme commences on 1 July 2021, as agreed by first Ministers of the Commonwealth and all States and Territories apart from the ACT. Delays to the scheme commencement will hold up implementation of the reform at a time when the New South Wales economy needs greater access to skilled labour. That is all we are trying to do, and it has been agreed. The economic benefits of AMR are considerable. PricewaterhouseCoopers modelling has estimated benefits of \$2.4 billion nationally, almost \$1 billion of which will flow into New South Wales. The AMR will also help New South Wales access the skilled labour needed to assist with economic recovery following the COVID-19 recession and natural disasters like the recent floods. Regional border communities, which have been hard-hit by COVID-19 closures, will particularly benefit from the scheme. We heard evidence about that before the committee. Those benefits will remain unrealised if the scheme does not commence on 1 July 2021.

As a member of this committee I appreciate that we are often pressed with the amount of committee work that is going on, but in this instance there are not voluminous amounts of information before us to consider. We have done this before. In fact, we reduced the committee hearing days from two to one because we were able to consider all of the information in one day. I submit that information can be easily reduced into a report and presented to this House. I oppose the motion.

**Ms ABIGAIL BOYD (18:24):** I am a member of Portfolio Committee No. 1 and I was at the Selection of Bills Committee meeting when we decided that this would have a truncated timetable. At the time we were advised by the committee secretariat that there were real limitations and restrictions on their capacity, and they asked us not to have a truncated timetable unless we absolutely had to. We had quite a long discussion about why there was urgency. At that time I was convinced by the Government's arguments—not knowing much about the process around the automatic mutual recognition, or AMR, at that point—that there was an urgent need for us to have this truncated timetable. That is what we did, putting stress on our committee staff who are currently overwhelmed with all the committee work—as are many of us who are working on multiple committees. Throughout the inquiry it became clear that this was not urgent. It became clear that other States and Territories—

**The Hon. Natalie Ward:** Point of order. I mean no disrespect to the member, but she is straying into the findings of the committee and the member should be careful.

**The Hon. Adam Searle:** The committee has made no findings.

**The Hon. Natalie Ward:** That is exactly my point.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** I am mindful of the member's time. Ms Abigail Boyd is being generally relevant. We are not debating the findings of the committee; we are debating the need for a truncated time line.

**Ms ABIGAIL BOYD:** I am being directly relevant to the issue at hand, which is why we need an extension of time. The context is that we had a truncated timetable because some members felt that it was urgent. Based on what the other States and Territories are doing I do not now believe that it is urgent. With that information, and in an effort to make sure that we are not put under an unnecessarily tight time frame for no good reason, I support this motion. We should get on with it.

**The Hon. WALT SECORD (18:27):** I support the motion of the Hon. Tara Moriarty. This is a surreal situation. It is an absolutely reasonable request for a minor extension of time. No jurisdiction in Australia has even passed this legislation yet. The Federal Parliament has not even finalised the legislation. The Government is asking for us to pass a bill that has not been finalised. In the hearing I asked how long the issue had been around and the answer was, "Since Federation." The Hon. Tara Moriarty has been entirely reasonable. At times I have said, "Tara, please." She has replied, "No, we have to consider this properly." She said, "This is a tiny extension. Why should we rush ahead when the Federal legislation has not even been finalised?" The Senate has also indicated that it may make changes. We are being asked to pass legislation that has been around since Federation because there is no legislation before this House. The Government does not have an agenda. The request made by the Hon. Tara Moriarty is reasonable, sensible and very patient.

**The Hon. ADAM SEARLE (18:28):** I support the motion of the Hon. Tara Moriarty. I am also a member of that portfolio committee. The committee heard a wide range of evidence about the complications that apply particularly in the electrical trades and other technical trades where in order for automatic mutual recognition, or AMR, to work as a reality more work has to be done on harmonisation and convergence. The legislation we are being asked to consider essentially gives a blank cheque to a Commonwealth Parliament to make a scheme. While there is draft legislation in the Parliament, as the Hon. Walt Secord made clear, that will be subjected to a Senate inquiry. Noting the nature of upper Houses, it is quite likely to be subjected to substantial change.

Before the State of New South Wales can sign up to any automatic mutual recognition scheme we have to see the final form of any scheme. That will be happening this month. I take the point about there being only one hearing day but an awful lot of evidence was obtained and the committee has a significant body of written evidence. I know that, because of the constraints on the secretariat, we had difficulties arranging a deliberative of the committee to prepare the report in time, to get it to the committee, to deliberate and to meet the reporting deadline. What happens when we rush something as complex as this? Mistakes are made because members do not properly take into account public health and safety and consumer protection.

If we are going to do this, it has to be right. There is absolutely no urgency other than this Government's tick-box exercise, wanting to pass the very small amount of legislation that it actually has. I suggest we postpone this by approximately one month, to 10 June. It is nothing—a minor change. Let us embrace this, take the pressure off the secretariat and take the pressure off committee members, who at this stage will have to meet on 10 May, in which event they will not be able to have the draft report for seven days, as is the default. To absorb something as complex and technical as this can be without that requisite time risks the committee and this Parliament making mistakes with what is no doubt important legislation.

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

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:02):** Certain matters are really important and the House needs to act responsibly in respect of the Government's obligations in terms of its intergovernmental agreements that it enters into. This is one of them. We do not quibble with the role of the House in reviewing the bill, but it ought to act with alacrity in returning the report so that this Parliament can resolve the issue and the Government can comply with its obligations pursuant to intergovernmental agreements entered into for the purposes of mutual recognition of licences and qualifications.

There is a practical background to the bill, which will bring benefits to this State. This State has been wonderfully managed. At the moment the State has a great shortage of trades and other qualified people that it needs to be able to access without having to go through a process—a costly process—where those qualified people need to be qualified again in New South Wales before they can trade in this State. In fact, the Government agrees that qualifications obtained in other jurisdictions would be recognised in New South Wales.

If passed, the bill will be an important part of the economic wellbeing of this State. In practical terms, in a city like Albury one could potentially be qualified on one side of the border but not be able to do work on the other side, notwithstanding it is not a problem to go further afield. The Government would like to be able to access skills and trades in other parts and other jurisdictions to participate in the recovery of New South Wales and the expansion of its economy. There is no doubt that people want to come and work here. This State is the best place in the country to live, work and raise a family. People want to come here. Why would we not seek to expedite this bill?

I seek an extension of time.

**Leave granted.**

I just say two things: We ought to be seen as a cooperative House, ensuring that the Government can comply with its obligations under its intergovernmental agreements, and we ought to be absolutely acknowledging that the economy of this State benefits significantly by the expeditious passing of the bill so that it can access those additional trades that are so important to this State.

**The Hon. TARA MORIARTY (20:05):** In reply: I come back to where I started. It is a very simple request. It is really not a big deal. It is one month. Nobody is trying to hold up any bills. The committee has been asked to inquire into the bill. When the timetable was set by this House, members of the committee who decided the timetable were of an incorrect understanding—which is the best way to put it—of the urgency of the matter at hand. That has just not been the case. The committee has had a day of hearing in which it heard evidence that makes it clear that this is not an urgent matter. The committee is not trying to hold up the bill. It has not had a chance to form a full view simply because it does not have all of the information.

The committee is at pains to do its full job on behalf of this House to inquire comprehensively into the bill and its implications. In order to do that, it needs to be able to see the final Commonwealth bill. The State Government will be asking this House to pass the bill to cede power to the Commonwealth. The committee needs to see what that Commonwealth bill is going to look like so that it can make recommendations to the House. It is not a very big request. It is one month in order to consider all the information. I really do not understand why the matter has been of such debate, but this House is entitled to debate as it will. I urge the House to give the committee an extension of one month.

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

**The House divided.**

Ayes ..... 19  
Noes ..... 13  
Majority..... 6

**AYES**

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

**NOES**

Amato	Harwin	Martin
Cusack	Khan	Mitchell
Fang	Maclaren-Jones (teller)	Tudehope
Farraway (teller)	Mallard	Ward
Franklin		

**PAIRS**

Moselmane	Farlow
Primrose	Taylor

**Motion agreed to.**

*Visitors*

**VISITORS**

**The PRESIDENT:** I welcome to the gallery Tania Mihailuk, the member for Bankstown, and her beautiful children, Matthew, Daniel and Anton. I also wish her a happy birthday.

*Motions*

**INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Messages**

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

Mr PRESIDENT

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

That:

1. The Legislative Assembly disagrees with the Legislative Council proposal for a reference to the Independent Commission Against Corruption as set out in its message dated 5 May 2021.
2. A message be sent informing the Legislative Council of the resolution.

Legislative Assembly  
5 May 2021

JONATHAN O'DEA  
Speaker

*Condolences***THE HON. IAN ARMSTRONG, AM, OBE, FORMER DEPUTY PREMIER AND MEMBER FOR LACHLAN**

**The Hon. SAM FARRAWAY (20:18):** I move:

That this House:

- (a) acknowledges the passing of the Hon. Ian Armstrong, AM, OBE, on 16 December 2020 at the age of 83 and extends its deepest sympathies and sincere condolences to the Armstrong family;
- (b) acknowledges the service to the State of New South Wales as the one and only member for Lachlan from 1981 to 2007 and as the twelfth Deputy Premier of New South Wales from 1993 to 1995;
- (c) recognises the great contribution Ian made to regional New South Wales, through his dedication to decentralisation and moving of the then Department of Agriculture to Orange in the Central West; and
- (d) joins with the Armstrong family and the people of regional New South Wales in celebrating the life of a pioneer of jobs for the regions, a legacy that is as strong today as it was 20 years ago and remembering the regional champion that was the Hon. Ian Armstrong, AM, OBE.

Today I pay tribute and respect to a man who lived his life fighting for the regions, and the communities and the people who call them home: the Hon. Ian Armstrong, AM, OBE. Ian passed away on 15 December last year at the age of 83. For many, this is a great loss to the communities right across rural and regional New South Wales, particularly to his home town of Cowra and the broader Central West region. Peter Austin from *The Land* described Ian as a son of the soil, a political animal of a type "proudly partisan, not afraid to rock boats and focused on advancing causes" for his rural constituents. This description of Ian could not be more correct. He lived, breathed and fought for the people of the Lachlan electorate and rural New South Wales. Ian was unapologetic in continually putting the needs of those in our rural and regional communities at the top of his agenda, fighting for their fair share and honest representation right here in Macquarie Street.

Ian was a member of the New South Wales Legislative Assembly from 19 September 1981 to March 2007 as the local member for the people of the Lachlan electorate, a seat which was reincarnated in 1981 and dissolved in 2007. In many ways, you could argue that this seat was created for Ian. Ian was a fierce, no-nonsense advocate for his communities and held many parliamentary positions over his 25 years serving in this Parliament. They included Deputy Premier, Leader of The Nationals, Minister for Ports, Minister for Public Works, shadow Minister for the Olympics, shadow Minister for Planning and Decentralisation, and a member of the Sydney Organising Committee for the Olympic Games.

On top of his parliamentary service and positions, Ian was also national vice-president and State chairman of the Cattlemen's Union of Australia, and a member of the Cattle Council of Australia, the Australian Pony Stud Book Society, Rural Youth, the Cowra Junior Cricket Association, the Royal Agricultural Show Society, Parkes Jockey Club and many others. Members would be here all night if I listed all the organisations he was involved with in his time. But the position he held closest, and is probably well known for the most, is agriculture Minister, which he held from 1988 to 1993.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! This is a condolence motion. I ask that members please take their conversations outside the Chamber. The Hon. Sam Farraway will continue.

**The Hon. SAM FARRAWAY:** I will repeat that part of my contribution because I think it is probably one of the most important parts, to be honest. The position he is well known for the most is agriculture Minister, which he held from 1988 to 1993. I think members will mostly agree that Ian will go down in history as being one of the greatest agriculture Ministers that New South Wales ever had. Ahead of the 1988 New South Wales election Ian promised to decentralise the Department of Agriculture and relocate its head office to the Central West. Ian took a gamble, and I am sure many back then thought it would never pay off. But he saw the long-term benefits it would bring not only to his electorate and neighbouring electorates but also to the broader Central West region and regional New South Wales as a whole.

As promised to the people, Ian did move the department from the McKell Building here in Sydney to Orange, where it remains today. At the time this was the largest decentralisation of a government department in this country. Australia had never seen a move like it. Whether you thought Ian was crazy for proposing the move or you supported his vision, you could not argue that it was not bold. It was daring, and I believe it continues to be Ian's greatest legacy. When the then member for Port Stephens, an Opposition member, raised questions about this move Ian gave a classically blunt response. He said:

The biggest thing Opposition members have ever done is to relocate themselves from their homes into this Parliament to improve their incomes.

I do not say this as a political swipe. I say it to put into context what a fighter he was in this Parliament. He went on:

If the honourable member for Port Stephens keeps going the way he is at present, he will probably find himself relocated elsewhere after the next election.

For Ian, that was typical of the fierce banter that he would have in the other place in this Parliament. On 31 May 1990 Abigroup Limited was the successful tenderer to construct a building of 8,000 square metres and the decentralisation project began. It would become a case study for all governments in this country. The Victorian Government used Ian's model for decentralisation and asked the then Orange City Council to consult on how they too could move their Department of Agriculture out of Melbourne to Bendigo.

Ian's legacy is still as strong as ever. His stubbornness and determination in the relocation of the Department of Agriculture was formally acknowledged on 9 September 2020 when the Government and I had the great honour of opening the new Ian Armstrong Building, the new home of the Department of Primary Industries [DPI]. That 8,500 square metre, four-storey building is now home to 790 staff from eight different government departments, from the Department of Education to Department of Premier and Cabinet, Treasury, the Department of Regional NSW and, of course, DPI Fisheries—and there are many others.

They all now employ people in and around the Orange region, but also broadly from right across the Central West and western New South Wales regions. All of these 790 people—and the hundreds before them—as well as the communities of Orange, Forbes, Parkes, Molong, Bathurst and everywhere in between have Ian to thank for his vision all those years ago. They have Ian to thank for what it has brought in economic and social prosperity, due to the millions of dollars injected into those communities through the jobs created during construction and the ongoing support to all communities throughout regional New South Wales.

Unfortunately, Ian could not attend the opening last September but he was there in spirit. Of course, his loving, supportive and strong wife, Jenny—whom many in this Chamber would know—was there to represent him, along with his family, in celebrating such a milestone. As many of members in this place and the other place know, life as a politician can be lonely. Often our families and loved ones bear the brunt of the ups and downs of public life. For the 25 years that Ian was the member for Lachlan I guess you could say Jenny was also the member for Lachlan. She often took the time to listen to and speak with constituents across the electorate when Ian had to be here in Sydney or was travelling throughout the State. Of course, this was in between taking care of the kids and running their farm—something that Ian often said Jenny was much better at than he was.

One of Ian's greatest achievements—and what he was most proud of in life—was not being a pioneer for decentralisation and changing the lives of people right across our regions and the Central West of our State for the better. Ian would often say that his proudest achievement and biggest success in life was his family—and rightfully so. Over the past few months I have had the absolute pleasure and honour to hear their stories of Ian. I thank all his family for sharing those very special memories with me and other members of The Nationals so that I could get to know more about the man who is a political inspiration not only to me but also to many from across the political spectrum throughout regional New South Wales. I am sure even the Hon. Mick Veitch would admit that not many people across regional New South Wales who are in tune with politics did not know who Ian Armstrong was, no matter their age. Despite an interrupted Christmas Day, thanks to a constituent getting hold of Ian's personal mobile number—that was a good story—Ian put his family first. We have them to thank for enabling him to be the member for Lachlan for 25 years.

It is fair to say that Ian really did not care what your political ideology was or what party you represented. If his constituents needed something, he rolled up his sleeves and spoke to whoever he needed to. First and foremost, it was all about getting the job done for the people of Lachlan. This was made further evident when the Legislative Assembly paid tribute to Ian on a recent sitting day. It was not only Nats who got up to speak; so too did many members from the other side, including the Leader of the Opposition, who shared reflections of past Labor Ministers and former Labor Premiers on the influence Ian had during their time in this Parliament.

Ian was old school. He was determined. He was passionate. He was everything we as politicians should aspire to be, and I know I certainly reflect on that. The people of Lachlan backed Ian to represent them for 25 years, and over that time, his vote went up from just over 50 per cent in 1981 to over 70 per cent in his final election in 2003. Ian always attributed his election victories to the intelligence of the people of Lachlan. At the end of the day, we have them to thank for entrusting him to represent them first in 1981 and then time and again. To the people of the then Lachlan electorate I say thank you for giving the whip cracking man from the bush the chance to represent you. By putting a number one next to Ian's name, you did a great service to the people of rural and regional New South Wales.

I knew Ian before I entered this place, and I was always in awe of his ability to engage a room. He was very good at remembering people's names. I must admit, that is one of my struggles. You meet a lot of people and

it is hard to remember them all, but Ian could always remember their names, what they last spoke about and where they last met. It was very impressive. My first interaction with Ian was not through The Nats; it was through our family business owning Hertz franchises. My dad knew Ian and we would often see him at different Hertz locations that we owned throughout regional New South Wales because he was always travelling. Whether he was a shadow Minister or the Deputy Premier, he was always flying in and out of Orange, Tamworth or Albury or any of the airports in between. When I first saw him my dad said, "Son, do you know Ian Armstrong?" I remember him even when I was in school. My dad was always a big fan of Ian as well.

Ian's efforts in promoting regional New South Wales and bringing decentralisation to the Central West helped so many businesses. The businesses that support the department and the 790 staff that work in the building in Orange today have brought an economic injection to the region that is underestimated and understated much of the time. One thing that always impressed me was Ian's ability to always have his finger on the pulse. Even in his latter years he was right across the Bells Line Expressway issue. He always knew the little things that were happening not just in Cowra and his electorate but right across regional New South Wales, and he could recite them one after the other. Ian would listen to anyone who had a legitimate concern. I imagine his staff were always waiting for him to call them with a new problem to solve or another cause to fight for. Ian was the representative that rural and regional New South Wales needed. He was tough, he was genuine, and he was willing to do what it took to get stuff done to better the lives of the people that he represented.

We have Ian to thank for so much that we take for granted now, including infrastructure, access to TAFE across regional communities, water bores in the Far West and the ongoing push to enable people to have public service jobs no matter where they live. In his valedictory speech, Ian spoke about how he would like to see more achievers and more businesspeople coming on both sides of Parliament to build a stronger future, and not just for the next election. As someone from a small regional business, I hope I can do my bit in this Chamber. I wish that I could have had Ian as a mentor in this place as he had mentored many before me. Ian was an inspiration to many people who still work in this building today. I acknowledge the Hon. Mick Veitch, who also had a close relationship with Ian and who represented this Chamber with me at the State memorial service in Cowra earlier this year.

I can only imagine how entertaining Ian would have been during question time and in legislative debate in the other place when in government and even more so during his years in opposition. Ian was notorious for having an answer to everything. If he offended anybody in the process of representing the wants and needs of his communities he would just say, "Tough luck." Whether it was a locust plague, tornadoes in the streets of Broken Hill, teacher recruitment in Condobolin, flooding in the Central West or drought, Ian stood up for his communities and for all of the bush. He was outcomes focused and persisted with any issue until he got a result. Most importantly, he cared. His 25 years in this building were not all about himself. They were about the people of the Lachlan electorate and of rural and regional New South Wales. If they prospered, Ian was satisfied that he had done his job. Ian's final message to those in this building was:

Lift the Parliament. It needs style, substance and balance of business and social issues. The balance has gone out of this place. We are concentrating to a great extent on social issues. We need to balance that with business.

Ian was a gentleman, a family man and tough, persistent and dedicated in every aspect of his job. A quarter of a century is a long time to live in the public eye under constant scrutiny, and Ian made it look so easy and natural. Cowra has lost an icon, The Nationals have lost a party giant and the people of rural and regional New South Wales have lost a true champion. His shoes will never really be filled, but if we try to follow Ian's lead and set politics aside, advocate for our communities above all else, gain real outcomes and continue to ensure that people do not have to live in Sydney to have a good job, Ian's legacy will outlive all of us and our time in this place. To Jenny, Angus, Angela and their extended families, thank you so much for allowing the Parliament, The Nationals and the people of rural and regional New South Wales to share the inspiration that was your husband and your father.

**The Hon. MICK VEITCH (20:36):** I place on record my condolences to Jenny and the family. It was good to catch up with them at the State funeral and have a quick chat. The Hon. Sam Faraway said a lot of things in his contribution that I am not going to go over. He set the framework for who Ian Armstrong was, but there are a few things I would like to say. I recommend that all honourable members read the *Hansard* of the lower House condolence motion debate to get a real view of the might of Ian Armstrong.

To pick up on something that the Hon. Sam Faraway said, in political parties we have our giants, our party elders and, in some cases, we have our icons. Gough Whitlam was an icon of the Labor Party. I would suggest that Tim Fischer was an icon of the National Party, and I think members might find that Ian Armstrong was also an icon of the National Party. It is not an easy step to go from an elder to an icon. It is a serious hurdle. Earlier in the week I had the opportunity to talk to Craig Knowles. I told him that this motion was coming on and took a bit of advice from him about his interactions with Ian. These are his words: respect, genuine, knowledgeable and—

one of the best things you can say about anyone who enters Parliament anywhere—a true parliamentarian. That is the view of someone I respect from our side of politics.

I knew Ian for a while. I was elected to Young Shire Council in 1995 and while learning this caper called public life, I ran into a bloke at a council function who happened to be the local member. He pulled me aside and said, "I had a bit of a chat with a bloke called Terry Sheahan. Terry says you're not bad. You've got a bit of a future." I said, "Oh, that's really good, but I'm still trying to understand this public life stuff." In a way, Terry Sheahan and Ian Armstrong were very similar local members of Parliament. When I reflect on it, they had very similar styles. Ian said to me, "You need to understand the community. You need to understand who is in your community. You need to understand who you can trust to provide you with the information and the guidance about your community," because, as all members know, not everyone will engage with parliamentarians and politicians in a forthright, frank and honest way. Some people can be very self-serving and self-interested.

I was fascinated by the way the likes of Terry Sheahan could remember so much about so many people. Ian was also like that. He could walk into a pub anywhere in regional New South Wales—but particularly in the Lachlan electorate—walk up to the bar and say "G'day" to the barman and call him by name, ask him about his wife by name, talk about his kids and the fact that his young fella was playing first grade rugby league. It made me stand back and think, how do you store all that information? It was that kind of engagement process that earned the respect that Craig Knowles talked about. In the regions, that kind of respect has to be earned. If it is not, then you are not seen as a genuine individual—again, something that has already been stated.

I was involved in a number of election campaigns against Ian, which might come as a bit of a shock to members. Ian was a damned hard campaigner who took absolutely nothing for granted and he had a good campaign team around him. I remember the 2003 New South Wales State election because his electorate office was in Boorowa Street in Young. We may have had a couple of lemonades and a sherbet or two at the Empire Hotel to console the Labor candidate, who had put in a pretty fine effort. We won but we did not win the electorate! As I walked past Ian's office I saw him packing up some boxes, so I thought I had better pop in and congratulate him. He sat down on one of them and said, "Righto, mate, what are we going to do about that road?" It was straight back to working together for the betterment of the community.

So it is not by chance that there is a road near Murringo, just outside of Young, called Scully- Armstrong Way. In 2003 it was just a dirt stretch of State road that the council, of which I was a member, was fighting very hard to seal. I met with Ian as part of a delegation to Parliament House—councils always have delegations that come to Parliament House—to seek funding. Looking back on it now, I suspect that the deal had already been done but Ian and Carl played us very well. We worked hard to get that funding for our community. Ian and Carl showed us respect and delivered the result we were after—the road was sealed. They found the solution to the problem. The same thing happened with what was the Young District Hospital.

The community had been fighting hard for a new hospital so the council sent a number of delegations to Sydney, which Ian would join in his role as the local member. I remember Craig Knowles landing in a helicopter to visit the hospital for the first time. As he and Ian entered through the back door, Ian looked at me and the mayor and said, "When he gets to the front door, you'll be getting a new hospital." Now I reflect on the fact that I dare say the deal had already been done and the visit was just a formality. Sure enough, when we got to the front of the building Craig Knowles announced to all and sundry that Young would be getting a new hospital, and that wonderful hospital has now been in the town for 20 years.

Ian's State Funeral was held at the Cowra Showground pavilion, which was such an appropriate place to hold the service. Due to the agricultural background of the community, Cowra was the perfect spot for it to be held. I was really glad to be there. An array of stockwhips adorned the front of the pavilion, some of which he probably brought to the Parliament at some stage because Ian had a propensity for cracking the whip. At the end of a session he would finish up by cracking the whip. He did like to crack his whip.

Country MPs spend a lot of hours driving in their cars. The Hon. Sam Faraway and I had a chat earlier about who had racked up the most kilometres in April. I think Sam gets me by about 500 kilometres. When driving 7,000 or 8,000 kilometres in a four-week period, 500 kilometres is not a lot. Country MPs do a lot of travelling, so think about the number of kilometres Ian Armstrong travelled representing the people of regional New South Wales. A lot of those kilometres can be pretty lonely because you are on your own in the car. It is also not always daytime driving. As we heard at the State funeral, Ian would often pull over at any point, dip his hat down over his eyes and have a kip for a half-hour. He had an incredible ability to have a snooze anywhere, which is a pretty important skill for country MPs. Think about the number of kilometres Ian did on his own over the course of his 25 years representing the people of regional New South Wales. That in itself is a substantial commitment.

If Ian had the opportunity to talk to you, he would always take it. He knew a lot about everything and would always understand the history of an issue. You would not engage with Ian on a prima facie basis. He could

tell you the history of what you were talking about, which would enrich the conversation and create a more informed dialogue. He would also always offer guidance. He held the view that the National Party was not the sole contributor to regional New South Wales. He believed for regional New South Wales to advance, representatives from all sides of politics were needed to represent the regions with passion. He believed they needed to take the time to understand regional New South Wales to pursue constructively the betterment of life in the regions. Ian's view was that people from both sides of the Chamber with a strong regional interest were needed in the Parliament.

The Hon. Penny Sharpe and I were members of the 2007 to 2011 Parliament, when we did not have many good days. I remember once having a conversation with Ian about how tough it was. Ian said to me, "Unfortunately, in my 25 years I have spent more time in opposition than in government. Any bad day in government is still better than a good day in opposition." His view was that being in government allowed you to deliver—you could make decisions and the policy levers were yours to control and adjust. He did not have to impart that information to me because by that stage he had retired and he could have moved on. He did not have to associate with some Labor bloke from down the road in Young, but he did because that was who Ian was. Whenever I would catch up with Ian in the regions his wife, Jenny, was there too. The Hon. Sam Farraway was correct when he said that when the people of the Lachlan electorate voted for Ian Armstrong, they voted for Ian and Jenny—it was just that Jenny's name was not on the ballot paper. She is a very strong woman whose strength, as well as the strength of their family, was on display at the State Funeral.

A lot of Labor members, particularly former members, who served with Ian would speak highly of him. I recently spoke to Richard Amery, who said that when in government in the Legislative Assembly he could propose any motion and the Opposition would turn to Ian who, with no notice, would stand up and speak knowledgeably for some time on a particular issue. He would always bring something to the debate and contribute to it in a constructive manner. With all due respect to us, that is a skill that most of us do not have. That created a degree of respect for Ian from our side of politics in this building. Ian was not partisan in the way he carried himself in the regions. He applied himself to the regions, and if you were doing the same thing then that was well and good because that meant the regions were all the more better served by their political representatives.

You miss those strong individuals as you move through life. But the legacies of strong advocates like a Sheahan or an Armstrong live on. It is a shame that they cannot serve forever, but the reality is that they cannot. When your time is up in this building it is up—that was one of Ian's things. He said that is when you start guiding the next generation through. I am going to miss the opportunity to catch up with Ian and Jenny in the way that we did. I am certain I will still see Jenny around. But I am going to miss Ian's hat, his stockwhip and those stories that he would tell about regional New South Wales—some of which you would hear many, many times by the way. He had a propensity to repeat some of them. Vale, Ian Armstrong. We have lost a good 'un.

**The Hon. BEN FRANKLIN (20:51):** Like the Hon. Sam Farraway and the Hon. Mick Veitch, tonight I pay tribute to an iconic New South Wales politician who not only helped to put regional New South Wales on the political map but also helped to put my party—the Country Party then, The Nationals now—on the road to political and philosophical success. The Hon. Ian Armstrong passed away late last year on 16 December. I am delighted that we have the opportunity to have this debate today. I thank, honour and acknowledge the Hon. Sam Farraway for bringing this motion to the House; his work in the west and Central West has been substantial in the time that he has been here. It is appropriate to recognise Ian in this place. It is particularly important for me because I could not be at the memorial service at Cowra Showground. I wanted to be. I knew Ian—and I will get to that shortly—but one of the problems of being a politician and particularly being a regional member of Parliament is that there are so many calls on your time and things that you have committed to. It is a deep regret of mine that I was not there, but I am delighted to be able to contribute to debate on this motion tonight.

Ian Armstrong was a member of the Legislative Assembly for over a quarter of a century and was a giant of New South Wales politics. He knew the road from Cowra to Sydney like the back of his hand, although I believe he favoured one particular direction more than the other! In the quarter of a century that Ian served, he wore the hats of Minister for Agriculture and Rural Affairs, Minister for Ports, Minister for Public Works and, of course, Deputy Premier of New South Wales. As the Hon. Sam Farraway stated, he also served in the shadow Cabinet and was the Leader of the National Party from 1993 to 1999. But the role that Ian valued above all else was as the member for Lachlan. He is the only member who has ever held that seat. Despite the many hats that he wore, it was clear to him and to his community where his electorate was on his list of priorities, and that was always first. We have heard the stories why. The stories that we have heard tonight could be multiplied by 10, 100 or 1,000, given all the interactions that Ian had with individuals and community organisations across his community.

Ian was a fearless advocate for regional issues and he set the bar very high for all of us who aspire to represent regional communities. He embodied what it was and what it is to be a rural advocate. Ian was a true fighter for the bush, and he displayed a fierce determination that those in the region would be heard and listened

to. He did not just pay lip-service. He did not just tick a box. He did not just turn up and think, "Right, when do I need to be at the next meeting?" He would sit and spend an hour, or two hours or more, with people if that is what they needed. I remember seeing a vision of John Howard in the aftermath of the Bali bombings when he did not think the cameras were on. He was sitting on a milk crate or something, just holding someone who needed to be held at that time. That spoke so deeply to me, but I think Ian Armstrong did that almost every day of his life. Whether it was physically or emotionally, Ian gave to his community and to his people.

Ian was responsible for the largest single decentralisation process undertaken by a government department in this State when the Department of Agriculture was relocated to Orange in 1992. This was an important step forward in creating economic, job and growth opportunities in the regions. But most importantly it changed the mindset. Firstly, it ensured that public servants worked in the regional communities that they represented, and so it gave them a proper, deep understanding of the problems and the responsibilities that their electorate faced. Secondly, it started shifting the perception of where government was. The State was not just run out of Sydney; the State could actually be run out of other places. That legacy has continued to this day with focus both from the government sector and from the private sector. Obviously our recent experience with COVID has only accelerated that. People now understand that they can live and work and lead in regional New South Wales.

I agree with the Hon. Mick Veitch that some beautiful and revelatory things were said about Ian in the other place by a range of members from across the political spectrum. I think my colleague Steph Cooke summed up Ian's legacy perfectly when she said:

Ian Armstrong is the reason we expect to see services and public servants in communities west of the Blue Mountains. He is the reason we look at the regions as a viable and vibrant place to live and work. He is the reason rural, regional and remote New South Wales expect their opinions to be heard and their way of life championed.

Ian had a genuine love for regional New South Wales, especially for his home town of Cowra. He had many political achievements, but his local commitment was absolute. It is not a surprise that he was a member of the Cowra Lions Club, the Cowra Gun Club, the Rural Youth Organisation of New South Wales, the Cattle Council of Australia, The Australian Stock Horse Society, the Working Kelpie Council of Australia and, until almost the end, the Bells Line Expressway Group. Ian understood that nothing was more important than community. He was a humble man, but his passion and determination did not go unrecognised. In 1978 he was admitted to the Order of the British Empire for services to primary industry. In 2001 he was awarded the Centenary Medal, and in 2009 he was appointed a Member of the Order of Australia.

The Hon. Mick Veitch talked about people going from achievers to icons. I have been involved in politics for a long time and I have come across many greats from all parties. I was most fortunate to become the State Director of the National Party in 2008 just after Ian's retirement in 2007. I had the honour of being able to work closely with him because he became one of the six trustees of our party. That is one of the highest honours that you can give anyone in a political party. As the State director I worked very closely with him for a number of years. I valued his advice deeply and took it regularly because he knew the history of our party and he cared about the history of our party. Most importantly, he wanted to ensure that the mistakes previously made by our party were not made again.

When people leave politics it is very easy to walk away and spend quiet time with one's beloved partner—in this case Jenny—because it is such a hard life. He did not do that; he stayed active and passionate and involved. He immediately offered to continue to serve the party even though he had the right to pull up stumps. When I ran for preselection for the upper House in 2014 he offered to write me a reference in order to assist with that process. It was a really big honour and a compliment that I will not forget.

Ian set the benchmark of what it is not just to be a politician but also to be involved in politics more broadly. From what I observed I believe he lived by three fundamental rules throughout his political life of service. They were, first, that you care more about other people than you care about yourself; secondly, that you always act with integrity; and thirdly, that you have a good sense of humour and a twinkle in your eye. I have tried to remember those lessons; sometimes it is difficult. But I have tried to remember those lessons, the support, the guidance and the genuine time that Ian had for me and for so many others. In 2006 he was awarded life membership of the National Party. It is an honour offered to very few and granted only to those who have served the party in an outstanding manner, and not every leader of the party gets it. There can be no question that Ian was an incredibly worthy recipient of this honour and his passing has now left a hole in our party's family that will be difficult to fill.

Ian's legacy will continue to live on in many ways both inside and outside of politics, but I think most recently and privately it will live on in Orange through the Department of Primary Industries building that was named after him in September last year. I thank Ian's wife, Jenny, and their children, Angela and Angus, for sharing Ian with us all for so long. I extend my deepest sympathies to them and their extended family and I promise them that Ian will be forever missed but never forgotten. Vale, Ian Armstrong. Your legacy will live on in The

Nationals, in the Parliament and in regional New South Wales long after we are all gone. I suspect that we will never see your like again.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:03):** As leader of The Nationals in this place I associate myself with the motion moved by the Hon. Sam Faraway. I was deliberate in the timing of seeking the call because I wanted other members in the House who knew Ian Armstrong better than I did and had worked more closely with him than I did to have the opportunity to make their contributions—obviously the Hon. Sam Faraway, but also the Hon. Mick Veitch and the Hon. Ben Franklin. All three of those members have eloquently covered many of the wonderful attributes of Ian Armstrong. It is incredibly appropriate that this debate is taking place tonight. I did know Ian and had met him a few times and worked with him on the central council, as noted by the Hon. Ben Franklin, in his role as trustee. Words such as "icon" have been used tonight to describe him but he was also a statesman of our party with a genuine nature.

He was respected by everybody in our party, in the Parliament and in politics. That is rare and it is not something that we see with every one of us who manages to serve in this place or the other place. The other thing I think about when I consider my association with and memories of Ian is the decision to decentralise the agriculture department's head office to Orange. It predates my time in this place. As a Minister you want to make a difference and a contribution but at times it is difficult to make bold decisions. The legacy of that decision for the people of the Central West has been well articulated by others contributing to this debate. It is extraordinary. Many of us would not be that brave and it is important to acknowledge what he did and the very positive effect it has had to this day for the Central West region. I offer my condolences to Jenny and the family. Vale, Ian Armstrong.

**The Hon. WES FANG (21:05):** I speak briefly to associate myself with this condolence motion and I thank the Hon. Sam Faraway for bringing the motion before the House. It is incredibly important that both Houses recognise what those who came before us have built. I thank the Hon. Mick Veitch, the Hon. Ben Franklin and the Hon. Sarah Mitchell for their contributions to the debate. It is through those contributions to these condolence motions that we all learn something about people that we may not have known. It is how we gain insight into their lives. Although Mr Armstrong was from near my area I cannot say that I knew him well. My grandfather passed away a number of years ago. I would spend time with him during school holidays. During those times he would spend his evenings with his friends sitting around the dining table after dinner with a tippie discussing politics, as was probably the norm for many farmers who had retired to town.

He had moved from a farm at Bellarwi into West Wyalong. I vividly recall the conversations my grandfather had at the time around politics and what he would do if he was in charge and how he would change things. What is always at the forefront of my mind is the admiration he held for Ian Armstrong and the things that he fought for. As a constituent he admired Ian's leadership and guidance of the National Party. That memory has always stuck with me. My grandfather would often critique Federal and State members of Parliament about everything that they did wrong, but he spoke of Ian Armstrong as having the best interests of the community and the State at heart. There is no harsher critic than an old cocky, and that was my grandfather.

Ian Armstrong made an impression upon my grandfather that subsequently made an impression upon me. Through my involvement in the National Party for more than a decade I crossed paths with Ian a number of times. I cannot stand here and say that I had the insights that the Hon. Mick Veitch has or the experiences that the Hon. Ben Franklin has had. But, like many members of this place, I know the importance that Ian Armstrong, as a leader who fought for improvements and delivered, holds for every member of this place. That was reflected in the stories we have heard about tonight but the outstanding achievement was the decentralisation of the Department of Primary Industries and Environment to Orange. That will always be a legacy that many of us would love to be able to say we will leave but we will not have the opportunity.

It is entirely appropriate for the new building in Orange to be named after Ian Armstrong. It is recognition of a leader who not only talked the talk but also walked the walk. He did what he said he was going to do, which was decentralise jobs that benefited rural and regional communities. He achieved reshaping of the Department of Primary Industries and Environment by decentralising the department into the region so that the department was at the centre of primary industries activities and brought prosperity to a regional area.

I offer my condolences to Jenny and her family. I will cherish the times I met Ian but I will always wish that I had had the opportunity to get to know him better. Ian was a giant of The Nationals and a giant of this State. He will always hold a special place in the hearts of those who live in rural and regional communities but particularly in the areas that I call home. Vale, Ian Armstrong, AM, OBE. I thank his family for sharing him with us for many years. I again thank the Hon. Sam Faraway for moving the motion of condolence and giving us an opportunity to speak about the contributions of Ian Armstrong.

**The Hon. SAM FARRAWAY (21:11):** In reply: I acknowledge the contributions made by the Hon. Mick Veitch, the Hon. Wes Fang, the Hon. Sarah Mitchell and the Hon. Ben Franklin. Their contributions were all incredibly fitting tributes, which I think says a lot about Ian. Even the next generation of The Nationals politicians, who did not serve with Ian, know the stories and reflect upon his term in this Parliament. His leadership clearly has rubbed off on us. There are two very quick stories that I will mention to describe Ian's legacy.

There were two opening ceremonies in Orange of the Department of Primary Industries and Environment [DPIE] building, which is now the Ian Armstrong Building. For one of the opening ceremonies, unfortunately Ian was unwell and Jenny attended. The ceremony was attended by Ministers for agriculture and other Ministers but it was like a country fair. The Mayor of the Orange City Council, Reg Kidd, had the streets closed off for the crowd who had contributed to the region for decades through DPIE. It was like a reunion. There were John Deere tractors in the street and everyone supported the acknowledgement of that huge decision in 1992 because of what it meant for the region. People still appreciate that.

The second point I mention was Ian's memorial service in Cowra. For a younger member of The Nationals, walking into the service was like a blast from the past. There were Nationals greats, Nationals members of Parliament, members of the Liberal Party and members of the Labor Party who had not seen each other for quite a long time. They made the journey to Cowra to attend the service. The Hon. Mick Veitch highlighted in his speech the significance of the memorial service being held in Cowra. Ian Armstrong was a member of the show society. He was integral to the building and maintaining of that show society facilities and was responsible for the ongoing improvements to the pavilion. It was edifying to be in the pavilion that Ian Armstrong had worked so hard for and to notice the continued upgrading of the building—the new panelling, the new air conditioning and the new lighting. The building is a legacy of Ian Armstrong's contribution to regional New South Wales, and is of huge significance to Cowra.

The venue was filled to capacity with people who came from right across the country to pay their respects to Ian in a big send-off, which was very fitting. I think the speeches made during this motion of condolence also were very fitting. I thank all members for their contributions. Vale, Ian Armstrong.

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

**Motion agreed to.**

#### *Documents*

### **WATER MODELLING**

#### **Production of Documents: Order**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1165 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (21:15):** I have a number of very minor amendments to this call for papers under Standing Order 52, which do not affect the substance of the order. I seek leave to amend private members' business item No. 1165 by:

- (a) omitting "since 1 January 2018" from the opening paragraph;
- (b) inserting "since 1 January 2018" after "email attachments" in paragraph (a); and
- (c) inserting "since 1 January 2018" after "Murray Darling Basin Authority" in paragraph (b).

**Leave granted.**

**Ms CATE FAEHRMANN:** Accordingly, I move:

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

- (a) All documents, correspondence and advice including email attachments since 1 January 2018 relating to the following in each valley within the Murray Darling Basin;
  - (i) hydrological modelling results of growth in use estimates;
  - (ii) decisions around Annual Water Determinations;
  - (iii) amendments to baseline diversion limits or sustainable diversion limits; and
  - (iv) amendments to the modelling of 1993/94 levels of development.

- (b) all documents, correspondence and advice including email attachments relating to the accreditation of water resource plans by the Murray Darling Basin Authority since 1 January 2018; and
- (c) all modelling reports of floodplain harvesting volumes for each valley since 1 January 2016.

Tomorrow, as I understand, members in this place will be asked to consider and vote on a disallowance motion regarding floodplain harvesting regulations. This call for papers under Standing Order 52 is in relation to floodplain harvesting documents, particularly a lot of the information that the department has around hydrological modelling, decisions and annual water determinations; information in relation to baseline diversion limits or sustainable diversion limits; as well as amendments to any modelling in relation to the 1993 and 1994 levels of development, which the cap was based upon.

Members will be considering, as we know, floodplain harvesting regulation. I think it is important for us to be able to have the information, 21 days after the passing of this resolution, that the Government has before it. Indeed, the public and members in this place should be able to access and look at what is going on in floodplain harvesting. I am hearing from a number of stakeholders that there are doubts around the cap. There are doubts around whether the modelling that has been used for the cap is correct and, in fact, that the caps themselves are still correct.

On 20 April this year a Senate committee in the Federal Parliament investigating the management of the basin plan heard that up to 19 of the State's 20 draft water resource plans were in fact sent back to the State Government. Those water resource plans were supposed to have been prepared for the Commonwealth to approve no later than 28 February 2019. That was more than two years ago. Water resource plans are essential to the licensing of floodplain harvesting. If the plans are being rejected and there is ambiguity around the modelling being used in New South Wales, which is what we have heard, that raises serious questions about the Government's new regulations that legalise floodplain harvesting.

While a water resource plan is required to contain details of consultation undertaken in relation to the plan, there is no requirement that the Murray-Darling Basin Authority or the New South Wales Government make public the reasons for the withdrawal of the water resource plans. That is what this call for papers will also do at paragraph (b), capturing "all documents, correspondence and advice, including email attachments relating to the accreditation of water resource plans by the Murray-Darling Basin Authority since 1 January 2018".

There is a lot of disquiet in the community around what is going on within WaterNSW and the Department of Planning, Industry and Environment. We hear that so many of those water resource plans have been rejected and the public will never know why they have been rejected. Importantly, for the purposes of being able to determine exactly what is being taken by floodplain harvesting, paragraph (c) of the motion requests that "all modelling reports of floodplain harvesting volumes for each valley since 1 January 2016" be laid on the table. Given the contention around floodplain harvesting, the least we could do at this point in time is to have the information and the data out there for the public and the stakeholders to look at. I urge members to support the motion.

**The Hon. TAYLOR MARTIN (21:22):** The Government has been extremely transparent on water modelling and management and therefore supports the motion. We are slightly confused by the fact that the motion calls for these papers to be produced within 21 days when the vote is tomorrow. Nonetheless, we congratulate The Greens on wanting to engage with the facts, unlike members from the other place who are campaigning against important issues such as floodplain licensing and other regulations without having read the regulations or the supporting material. Much of the information asked to be provided has already been shared with a number of environmental groups, including Professor Richard Kingsford, Dr Celine Steinfeld and Dr Eytan Rocheta from the Wentworth Group, and Dr Carmody from the Environmental Defenders Office.

Importantly, this modelling highlighted the misrepresentations made by some that floodplain harvesting volumes were 3,000 gegalitres, when in fact they were less than one-tenth of that—between 250 gegalitres and 300 gegalitres. The Government wants this modelling, which was all peer reviewed, out there to allow the facts to be behind important decisions like floodplain harvesting, and not fearmongering. Although publicly available, we also encourage members to read peer reviews of the modelling data. Another key element of the modelling highlights the important environmental benefits of licensing floodplain harvesting, with licensing reducing water taken through floodplain harvesting in the Gwydir and Namoi valleys by around 30 per cent and in the Border Rivers by 13 per cent.

This data is important as it highlights that a proposal to do things like disallow floodplain harvesting regulations in fact has a negative net impact on the environment and not a positive one. Measuring and licensing floodplain harvesting has been talked about for 20 years now. Through the use of these models and this data, we are getting on with the job of making floodplain harvesting policy a reality. We are being extremely transparent in our water modelling, so we welcome this motion.

**The Hon. PENNY SHARPE (21:24):** I always love it when the Hon. Taylor Martin gets up after being given a piece of paper from the Minister's office. It is always an interesting ride to see where it is going and what will happen. I thank him for his contribution and I am very pleased that the Government will not oppose this because it has nothing to hide—so it says. Labor, of course, will support this motion. This House has spent a lot of time on the issue of floodplain harvesting and water modelling over many years. There is a lot of form from this Government in relation to lack of transparency when it comes to water.

There is also a genuine public interest and a desire to understand that floodplain harvesting is an important issue that we need to get right. I will not canvass the debate that we will be having tomorrow in relation to the disallowance motion other than to say that we do not get many chances to get the models right. Any information in the public arena that can give confidence to the decisions that we are making, that the Government is making, that public servants within water are making and that landholders are making is incredibly important. That is why those documents are so important. Labor supports the motion.

**Mr JUSTIN FIELD (21:26):** I support the motion by Ms Cate Faehrmann and welcome the support by the Government. Some of us have spent a lot of time over the past couple of years reading the information that is already publicly available from the Government. When we held the Regulation Committee inquiry last year into the exemption regulation that was put forward by the Government, the first time we went through the disallowance process with floodplain harvesting regulations it became apparent just how murky the world of modelling, water data and analysis is. The Government named some highly regarded experts in this field—many people in this room have spoken to them—who have given evidence at various inquiries. I do not want to put words in their mouths, but the sentiment that was expressed to me is that there is all this discussion about modelling but so often what we get is the output of the model based on the assumptions that the Government chooses.

We do not know what inputs went into the model. We do not know whether or not the model works as it cannot be tested. All we get is the outputs. How do we, as members of Parliament with a responsibility to the public to make decisions in the public interest, judge the veracity of what is being put forward if an independent water expert cannot simply test those models? It is all well and good to talk about peer-reviewed science but the Government's models cannot be peer reviewed. What happens is that somebody independently verifies the output based on the information that the Government gives them. That is an absurd situation when so much money is on the line. I suspect that this will involve quite a lot of documents and that we will be doing a fair bit of reading. I look forward to that opportunity.

I do not think the timing is wrong here. Let us disallow and then we will all have time to be better informed. The Government can work with those who are genuinely interested in getting a framework and a set of rules in place to ensure that floodplain harvesting can work, protecting downstream communities and ensuring the needs of the environment are met whilst giving certainty to irrigators. Of course, it is not just floodplain licensing that will be affected here. The decision-making around annual water determinations is a big concern for all licence holders, including the environmental water licence holder. I welcome and support the motion. I look forward to reading the papers and having the debate tomorrow.

**Ms CATE FAEHRMANN (21:29):** In reply: I thank all members for their contributions to the motion, particularly the Government member, the Hon. Taylor Martin. It is fantastic that the Government is so willing to share information on floodplain harvesting and has nothing to hide. The honourable member said that floodplain harvesting volumes were 250 gigalitres instead of 3,000 gigalitres, but that is what this documentation will reveal. That is going to be good for the whole community. I thank members for their contributions and for indicating that they will support the motion.

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

**Motion agreed to.**

## LOCKYER STREET, GOULBURN

### Production of Documents: Order

**The Hon. ROD ROBERTS:** I move:

That private members' business item No. 1160 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ROD ROBERTS (21:30):** I move:

That under Standing Order 52 there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 23 February 2021 in the possession, custody or control of the Minister for Police and Emergency

Services, NSW Police Force, Minister for Health and Medical Research or Ambulance Service of NSW relating to an incident that occurred in Lockyer Street, Goulburn between 10.00 p.m. and 11.55 p.m. on 24 February 2021 involving an unnamed male person:

- (a) all documents, including but not limited to:
  - (i) all Computerised Operational Policing System [COPS] database entries, notebook entries, situation reports, records of telephone conversations including government issued telephones and private telephones;
  - (ii) all medical reports provided to the Commissioner for Police or his representative about the incident;
  - (iii) all documents relating to any investigation or inquiry undertaken by the NSW Police Force;
  - (iv) all Ambulance Service of NSW records, including incident records, clinical notes, file notes, radio logs, transcripts and emails on government or private email accounts; and
  - (v) all telephone records for Ambulance Service of NSW Chief Executive Dr Dominic Morgan between 10.00 p.m. and 11.55 p.m. on 24 February 2021, including government issued and private telephones.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Those of us in the Chamber who analyse and study what takes place in the Chamber will realise and agree that this is the first Standing Order 52 call for papers motion I have moved in my time in this place. That is because I believe that Standing Order 52 is an important process and not one to be abused. It is not a move I take lightly. This matter is one of grave concern to me. It has been brought to my attention by a number of people in the Goulburn area who have spoken to me about this. The Government, the Labor Opposition and The Greens are all aware of this incident. In the past there has been media speculation around it.

I will be careful that I do not verbal anybody here but I understand that the Government will not oppose the motion and that the Labor Opposition will support it. For that reason I will be very brief. This is an important matter. It is very easy to make allegations against a person. It happens time after time, whether in the Chamber or in the public arena. I do not wish to make any allegations until I am equipped with evidence to support those allegations. For that reason I have requested the documents in the Standing Order 52 call for papers. Bearing in mind the spirit of cooperation amongst all in the House, that is all I need to say on the motion.

**The Hon. TAYLOR MARTIN (21:32):** As the honourable member foreshadowed, the Government does not oppose the motion.

**The Hon. JOHN GRAHAM (21:33):** The Opposition does not oppose the motion. We do not do so lightly. These sorts of records should be requested in limited circumstances but on this occasion we do not oppose the motion.

**The Hon. ROD ROBERTS (21:33):** In reply: I thank the Government for not opposing the motion and the Labor Party for its support.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. ANTHONY D'ADAM:** On behalf of Mr David Shoebridge: I move:

That private members' business item No. 1136 outside the order of precedence be postponed to a later hour of the sitting.

**Motion agreed to.**

*Documents*

**JAMES BUSBY HIGH SCHOOL**

**Production of Documents: Order**

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

That private members' business item No. 1123 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (21:35):** I seek leave to amend private members' business item No. 1123 outside the order of precedence for today of which I have given notice by omitting paragraph (a) and inserting instead:

- (a) all reports, updates, briefings, memorandum, emails, email attachments, complaints and correspondence regarding violent incidents;
- (b) all general correspondence between James Busby High School and parents and community members regarding violent incidents;
- (c) all reports regarding violent incidents received by the Principal of James Busby High School; and

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created between 1 January 2020 and 22 March 2021 in the possession, custody or control of the Minister for Education and Early Childhood Learning or Department of Education relating to James Busby High School:

- (a) all reports, updates, briefings, memorandum, emails, email attachments, complaints and correspondence regarding violent incidents;
- (b) all general correspondence between James Busby High School and parents and community members regarding violent incidents;
- (c) all reports regarding violent incidents received by the Principal of James Busby High School; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I have had extensive consultations and conversations with the Minister for Education and Early Childhood Learning and her office on this issue and we have come to an agreement. I place on record a few reasons as to why we are seeking this information. Shocking footage of a vicious bashing of a year 9 girl at James Busby High School on 13 October has been widely seen. It was also featured in *The Daily Telegraph* on 10 November last year. It was reported in the newspaper—and this is certainly what we have also heard—that there were at least 12 serious incidents, including three fights, between the period of 13 October and 10 November. This particular incident has had a devastating effect on the student who was targeted. It was reported that she had trouble sleeping and she had been too terrified to return to school.

Further, *The Daily Telegraph* reported that staff in western Sydney schools say it follows a long-term pattern of disruptive, violent and disrespectful behaviour, which is difficult to manage because of a lack of support. That is why we are seeking the information this evening. Every student should be safe when they attend school. Every parent should have the peace of mind that when their child attends school they will be safe and, if they raise concerns with the school that they will be acted upon promptly and appropriately. If this is truly a pattern of behaviour it is vitally important that we get to the bottom of this. I do understand that there will be an imposition on the individual school concerned. We have worked to try to reduce that as much as possible but we are seeking this incredibly important information to ensure the safety of our school students and the peace of mind of parents.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:38):** As the Hon. Courtney Houssos has outlined, we have discussed at length the terms of this order for documents. Members would be well aware that the version now before us is substantially different to the earlier version, to take into account that we do not want—I make the assumption that we do not want—dealings of this House to have an unnecessary imposition, particularly on our teachers or our school communities, but also being conscious of student privacy in these matters. As I said, we have been able to reach an agreement in relation to the request under Standing Order 52. The Government will not be opposing it.

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

**Motion agreed to.**

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**Mr DAVID SHOEBRIDGE:** I move:

That standing and sessional orders be suspended to allow private members' business item No. 1136 outside the order of precedence relating to an order for papers regarding Core Integrity to be called on forthwith.

**Motion agreed to.**

**ORDER OF BUSINESS**

**Mr DAVID SHOEBRIDGE:** I move:

That the order of private member's business for today be amended by calling on private members' business item No. 1136 forthwith.

**Motion agreed to.**

*Documents***CORE INTEGRITY****Production of Documents: Order**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 1136 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (21:41):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 September 2019 in the possession, custody or control of the Department of Communities and Justice and the Department of Customer Service, relating to the administration of grants:

- (a) all documents, created by, sent to or received from Core Integrity, relating to:
  - (i) the \$10,000 NSW Small Business Bushfire Support Grant;
  - (ii) the \$50,000 NSW Small Business and Non-Profit Organisation Grants;
  - (iii) the \$75,000 Emergency Bushfire Response in Primary Industries Grants Program in New South Wales; and
  - (iv) any other grant administered in whole or part by the Department of Customer Service.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This order for papers under Standing Order 52 seeks a series of documents in relation to the work done by Core Integrity on behalf of the Department of Customer Service and the New South Wales Government reviewing a series of bushfire support grants: the \$10,000 Small Business Bushfire Support Grant and the \$50,000 and \$75,000 grants. I expected that this material would be picked up in an earlier Standing Order 52 request in relation to audits of bushfire grants. Clearly the work that Core Integrity did is in the nature of an audit. However, there appeared to have been a narrow interpretation taken of the term "audit" under the earlier Standing Order 52 request.

In order to capture the relevant documents, this further Standing Order 52 request in part covers the same broad scope in relation to the documents regarding these various bushfire grant schemes but it is specifically saying, "Show us the work and show us the material in relation to Core Integrity." I have had some discussion through the Minister's office with the department about this. It is relevant to the work the Public Accountability Committee is doing in the grants inquiry. There has been some fruitful and positive exchange with the department already in trying to get an understanding of what steps were taken by the Department of Customer Service following issues arising in the grants. I note for the record that I find the positive engagement with the inquiry welcoming and refreshing. I look forward to further positive engagement with the department so that we can understand what went wrong, what went right and what lessons there are to learn. I commend the motion to the House.

**The Hon. NATALIE WARD (21:43):** I oppose this motion and speak against it. Mr David Shoebridge seeks further documents; however, the use of outside consultants to support the capabilities of the New South Wales public service is a longstanding practice, as it is in this case. Core Integrity was engaged to assist Service NSW to bolster its fraud detection and investigation capabilities in the administration of a number of grant programs which were created as a response to the 2019-20 bushfire disaster. The results of that engagement have been increased close cooperation with New South Wales police, the identification and subsequent prosecution of 46 cases of fraud, compensation orders sought to recover fraudulently obtained payments and the establishment of a significantly increased anti-fraud unit within Service NSW. That last point was significantly underpinned by the work of Core Integrity, who assisted Service NSW with the expansion of its in-house fraud response team.

The result of that work is that Service NSW, which had not previously administered grants of this magnitude or complexity, is now far better positioned to do so in the future. The improvement has been such that it has resulted in the identification of fraudulent claims leading to convictions through the court system and the seeking of compensation orders applying to convicted individuals to recover fraudulently obtained funds. It is through the leveraging of outside specialists that the New South Wales public service develops its own in-house capabilities. We are not here to provide specialist services as a core function of government. If external people can do it better, why on earth would we not engage them more efficiently? That applies in areas as diverse as information technology, human resources, service delivery and here with fraud detection, prevention and enforcement activities.

It is therefore important to acknowledge the contribution that Core Integrity has made to the strengthening of Service NSW's capabilities to detect and deter fraudulent claims for New South Wales Government grant programs. I commend the work of Service NSW and the wider public service in leading the response to the bushfire crisis and helping our affected communities rebuild shattered lives and industries. The work of Service NSW and the New South Wales police has given the community greater assurance that those who attempt to steal from their local community by claiming what is not theirs will be detected, investigated and prosecuted to the full extent of the law. It is an outcome we can all support. Accordingly, on behalf of the Government, I oppose the motion.

**The Hon. JOHN GRAHAM (21:46):** I speak on behalf of the Opposition in this matter due to my role on the Public Accountability Committee, along with the Hon. Courtney Houssos. I also recognise the Hon. Tara Moriarty, our shadow Minister in this area. I did not hear the mover of the motion, Mr David Shoebridge, launch a broadside against the involvement of the private sector in the grants process. He has been known to do so, so I would not have been shocked if he had launched into a tirade against the private sector. But on this occasion he chose not to. All he did was ask to see the documents that are relevant to the grants scheme and to the fraud the Government has been quite clear has occurred. We are told that systems are now in place. Certainly my experience in the grants area is that some of the assertions made about how well the programs are or are not running have benefited from being tested.

That is the reason the Opposition supports the motion. We believe that assertion, and I hope it is true because there certainly has been fraud in those schemes as they have been rapidly rolled out. I hope it is under control, but we reserve the right to test that assertion—and it is important information to test. I thank the Government members on the committee for their assistance and the discussion during the committee process that allowed us to give the Government the earliest heads-up that this request would be coming through the system. The motion should not come as a surprise, and it is potentially very important information that will allow the committee to do its work.

**Mr DAVID SHOEBRIDGE (21:48):** In reply: It is remarkable and novel to oppose a call for papers under Standing Order 52 on the basis that an independent outside body did some work that the Government could not do itself. Clearly the Government could not do the work itself because it set up a fraud-ready scheme. It was not even a low-doc scheme; it was a no-docs scheme. Literally anybody could apply for a \$10,000 grant—one did not even have to fill in all the online questions. If ever there was any proof needed it is that a number of outlaw motorcycle gangs provided the exact same Google image of a half-burnt shed in Wisconsin as evidence of the damage that had been done. They all got paid by this Government. Millions of dollars went out.

The reason the whistle was first blown on this was that half a dozen or more claims came out of the same address somewhere in suburban Newcastle. When somebody decided to do a Google search of it and looked at the street view, they saw an outlaw motorcycle gang clubhouse surrounded by razor wire and towers and thought, "How did they get six bushfire grants? First, they are not in a bushfire-affected area; and, secondly, it looks an awful lot like an outlaw motorcycle gang clubhouse."

Then they started looking. The Government has misled the community repeatedly in its communications on this by saying that there are only a couple of hundred thousand dollars of fraud claims. That is because it has only prosecuted half-a-dozen fraud claims successfully. There are hundreds and hundreds of fraud claims in the pipeline going to the New South Wales police. Then we asked people in Customer Service, "How many of those cases have you referred to the New South Wales police?" They said, "None of them" because it is not their job to refer them to the New South Wales police. All the requests have come from the New South Wales police to Customer Service.

The Government's response just now to this motion for an order for production of documents under Standing Order 52 was that it will not produce the documents, that there is nothing to see here and that the fraud is all under control. When we lift the bonnet on this eventually, we will see quite the opposite. I assume the Government has marked in its diary 21 May this year when the New South Wales Auditor-General will hand down her review into the bushfire grants scheme, having done the initial run over the scheme and indicated what the New South Wales Auditor-General has found.

I have heard repeated disturbing evidence about what went on when the scheme was first set up and about people in Service NSW going to the Premier's office and saying, "This is fraud ready. We need to put controls on it." The response that came back was, "We want the money out in four days. We want some announceables. Get on and do it." That is how we got a fraud-ready scheme. That is how millions of dollars went to outlaw motorcycle gangs instead of to people in need in rural and regional New South Wales who had suffered from bushfires. So let us see the documents.

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

**Motion agreed to.**

### EASTLAKES SHOPPING CENTRE

#### Production of Documents: Order

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

That private members' business item No. 1064 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (21:52):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2019 in the possession, custody or control of the Minister for Planning and Public Spaces or Department of Planning, Industry and Environment relating to Eastlakes Shopping Centre modification:

- (a) all documents relating to the "Fast-Tracked Assessment" and subsequent approval of the Eastlakes (MOD 4) Shopping Centre modification application;
- (b) all documents, including reports, records, presentations, modelling, analysis, correspondence, minutes of meetings, or briefings, relating to the proposed commencement date for the project;
- (c) all documents, including reports, records, presentations, modelling, analysis, correspondence, minutes of meetings, or briefings, relating to the assessment of the Eastlakes Shopping Centre (MOD 4) modification application's eligibility against the Department of Planning, Industry and Environment's "Priority Projects Criteria" and "Fast-Track Assessment Guidelines"; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The accelerated approval for this project goes to the heart of the way the Government is administering the planning system. There is real cause for concern about the approval process for this development application stretching back to its original approval by the Government in 2013. The local member made the Government and the Minister aware that the project was not eligible for fast-track approval because it did not meet the criteria, but the project was approved anyway under delegation. The Government should be held to account for that decision, which is the very thing that this call for papers seeks to do. The delegate approved a project that could not and would not proceed within six months of the date of approval, which is a critical criterion for inclusion in the fast-track stream. By December 2020, six months had come and gone but not a single sod had been turned, and still has not been. It will not proceed for another year or more, in direct contravention of the guidelines drawn up by the Government to accelerate approvals for developers.

I think the Government is relying on the notion that it was not a separate proposal only but included a modification for an existing piece of work and therefore somehow still met the criteria. However, it is not good enough that the planning Minister had an expectation that the requirements of the acceleration criteria were met. Either they are met or they are not. The Minister is accountable to this House for the actions of his department in the conduct of development approvals made in this way. The documents sought in this call for papers will show what happened and ensure that accountability to this House and to the wider public occurs. The public deserves to know what meetings occurred and what correspondence was exchanged between the Government and the applicant. The project was never "stuck in the planning system", which of course is the whole notion behind fast-tracking—to take supposedly stuck planning proposals and accelerate them to fruition. This project was, in fact, the victim of its own dodgy approval process and history.

The applicant has been revealed to have donated illegally to the Liberal Party through the Free Enterprise Foundation. ICAC's Operation Keppel has revealed that the former member for Wagga Wagga, Mr Maguire, was making representations on behalf of the applicant, both formally and informally, to the Premier. If the Government is going to give accelerated approvals to ineligible projects to help out its donors it will be entirely discredited. The light needs to be shone on this process. We will do so by getting these documents, if the House so wills it. That is my request.

**The Hon. NATALIE WARD (21:55):** On behalf of the Government, I oppose this motion regarding Eastlakes Shopping Centre. I note that a member in the other place, the member for Heffron, has a keen interest in the Eastlakes Shopping Centre as it affects his—

**The Hon. Adam Searle:** It is in his electorate.

**The Hon. NATALIE WARD:** It affects his community—quite right, thank you. I am advised that he met with the office of the planning Minister and the Department of Planning, Industry and Environment yesterday. The Government has been transparent about the process with him. For the benefit of the House, I put on record some background to the project. The Eastlakes Shopping Centre redevelopment was independently approved by the then Planning Assessment Commission in 2013 after extensive community consultation. The approval has now been modified on five occasions. The Opposition has raised concerns around the most recent modification, being modification 4. The modified development has a capital investment value of \$200 million. It will create 50 operational jobs and 150 construction jobs. It will inject a public benefit of \$4.65 million into the local community, including up to \$100,000 for public domain upgrades surrounding the site, up to \$1.55 million for upgrades to community facilities and public spaces at Eastlakes, and an affordable housing contribution estimated at around \$3 million.

When compared with the original approved development, the approved modification will result in far greater outcomes for the community, with additional retail services, improved residential amenity, and a reduced number of buildings and view impacts. It is strategic developments such as these that New South Wales relies upon to keep our economy thriving and reduce unemployment, particularly post-COVID as we recover from the dreadful setbacks we have faced. This order for papers will require Planning staff and resources to be redirected from doing their job, which is to assess projects. It is a waste of public money and it is disrespectful to the community of Heffron. For those reasons, I oppose the motion.

**The Hon. ADAM SEARLE (21:57):** In reply: I thank the Parliamentary Secretary for her very revealing outline of the Government's position. She did not answer any of the matters that we raise about the dodgy applicant, the donations or the fact that the project was not eligible for the fast-tracking. Indeed, she fell back on extolling the virtues of the project. With respect, that is neither here nor there. The issue is whether the project meets the criteria for fast-tracking. This matter was raised with the planning Minister by me in budget estimates. There is a theory about why, in the view of the department, it does meet the criteria, but it is contested heavily by the local member and people in the local community. The best way is to shine the light on it by getting these documents and looking into the heart of the administration of the fast-tracking process as it applies to this project.

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

**Motion agreed to.**

#### *Motions*

### **VIOLENCE AGAINST ANIMALS AND CHILDREN**

**The Hon. EMMA HURST:** I move:

That private members' business item No. 1126 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (21:59):** I move:

- (1) That this House notes that:
  - (a) there is a well-documented link between violence against animals and violence against children;
  - (b) due to gaps in current New South Wales laws, an individual convicted of intentionally torturing, beating or killing an animal under the Crimes Act 1900 could still be allowed to work with children;
  - (c) in addition, many offences under the Prevention of Cruelty to Animals Act 1979 are not mandatory triggers for assessment under the Child Protection (Working with Children) Act 2012;
  - (d) this is despite the fact that a 2015 report by the Royal Commission into Institutional Responses to Child Sexual Abuse recommended that all States and Territories amend their "working with children" legislation to ensure that offences involving cruelty to animals trigger an assessment;
  - (e) there can be problems with the Office of the Children's Guardian accessing information about animal cruelty offences, because such offences are primarily prosecuted by two private charities, the RSPCA NSW and Animal Welfare League NSW, who operate on a different record system to the police; and
  - (f) the community would be horrified to know that right now, animal abusers could be working with children in childcare centres, petting zoos and schools.
- (2) That this House calls on the Government to:
  - (a) make animal cruelty an assessment-triggering offence under schedule 1 of the Child Protection (Working with Children) Act 2012;
  - (b) make serious animal cruelty and aggravated animal cruelty disqualifying offences under schedule 2 of the Child Protection (Working with Children) Act 2012; and

- (c) ensure that all convictions and charges initiated by the RSPCA NSW and Animal Welfare League NSW are made available to the Office of the Children's Guardian when conducting Working With Children Checks, in the same manner as police records.

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

**The Hon. DAMIEN TUDEHOPE:** I will not move the adjournment motion, but I will make the point that it is 10.00 p.m. and we sat until midnight last night. I apologise to parliamentary staff for the fact that we will still be here until midnight tonight. I know it is tough on them as well as on members in this Chamber. I urge those opposite to consider an agreement that if we have sat until midnight on a previous day, we should not sit until midnight again the following day because of the very real concerns we should have not only for the health and safety of members, but also for the staff who man this place. I can conceive of a range of ideological reasons why members opposite might oppose an adjournment at this time, but I put on the record that there needs to be a serious discussion to ensure that the health and safety of the people in this place is properly maintained.

**The House continued to sit.**

**The Hon. EMMA HURST:** Our laws fail to recognise the link between animal cruelty and child abuse. A significant body of research shows that the abuse of animals in the home is a strong indicator that children are also being abused. One study found that in 83 per cent of households where animal abuse occurred, there was also the risk of child abuse. The current Working With Children Check system does not properly address that link. The issue first came to my attention when I learned that a New South Wales man who was charged with stabbing a dog with a pitchfork six times and then leaving her strung up to a tree to die a slow, painful death was still working with children. I was shocked to find that people convicted of high-level intentional acts of animal cruelty were not automatically disqualified from holding a Working With Children Check.

When I looked into the issue further I found even more problems. I discovered that many animal cruelty offences are not mandatory triggers for assessment, meaning that animal abusers can slip through the system unnoticed. To compound the issue, animal cruelty offences are primarily prosecuted by private charities such as RSPCA NSW and Animal Welfare League NSW. Those charities keep prosecution and investigation records on a different system to the one used by the police. When speaking with the RSPCA and the Children's Guardian I was told that the charges initiated by private charities may not be captured in the police searches undertaken as part of the Working With Children Check. That means that animal cruelty charges may not always come to the attention of the Children's Guardian, meaning that animal abusers can slip through the system and incorrectly obtain a Working With Children Check. Change in this space is clearly needed and long overdue.

A 2015 report by the Royal Commission into Institutional Responses to Child Sexual Abuse recommended that all States and Territories amend their working with children legislation to ensure that all offences involving cruelty to animals trigger a mandatory assessment. In a 2017 statutory review the New South Wales Government indicated that it supported that recommendation. However, it is now 2021—four years later—and still no action has been taken. The common factor between animal abuse and child abuse is that the victims are incredibly vulnerable. In many cases they are reliant on adult guardians and human guardians to look after their wellbeing, which is why the restrictions around working with children were brought in in the first place. I have spoken at length in this place about the fact that violence does not discriminate. Research shows a connection between animal abuse and domestic violence, child abuse, elder abuse, gun violence and a higher propensity towards violence generally.

We must recognise that people who harm animals are a risk to the broader community. In order to protect children, we should not allow those people to obtain a Working With Children Check. Today I am calling on the Minister and the Government to do three things. First, make animal cruelty a mandatory assessment-triggering offence under schedule 1 to the Child Protection (Working with Children) Act 2012. That means that anyone convicted of this offence must be subject to an assessment. Second, make serious animal cruelty and aggravated animal cruelty disqualifying offences under schedule 2. That means that anyone convicted of these high-level animal cruelty offences cannot be allowed to work with children. Third, ensure that all convictions and charges initiated by the RSPCA NSW and the Animal Welfare League are made available to the Children's Guardian to ensure critical data about animal cruelty offences are not being missed when conducting a Working With Children Check. We must recognise the link between animal and child abuse and update these laws.

**The Hon. NATALIE WARD (22:05):** I speak in support of the Hon. Emma Hurst's motion. The paramount consideration of the Child Protection (Working with Children) Act 2012 is and should be the safety, welfare and wellbeing of children. I acknowledge that the honourable member has provided evidence of a well-documented link between violence against animals and violence against children. The Hon. Emma Hurst has particularly drawn attention to recent Australian research which has found that cruelty to animals is associated with personality traits of low empathy and callous disregard in children of both sexes and may be an early

manifestation of conduct problems associated with these traits. The Royal Commission into Institutional Responses to Child Sexual Abuse has also recommended there be consistent coverage across States and Territories in relation to Working With Children Check schemes.

In New South Wales the Working With Children Check scheme already recognises that cruelty to animals must be taken into consideration when considering a Working With Children Check application. The Act currently captures aggravated cruelty to animals offences, whatever the outcome, as a risk assessment trigger under schedule 1 to the Act. It requires the Children's Guardian to undertake a risk assessment of offenders wishing to work with children. Risk assessments involve the consideration of a number of factors, including the seriousness of the offence, the time since the offence took place, the age of the person at the time of the offence, the likelihood of repetition, the impact on children and the person's conduct since the offence. The Act also captures a current charge or conviction for the offence of bestiality as a schedule 2 disqualifying offence.

In response to the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, this Government is committed to doing more to ensure the safety of children. I am advised my colleague in the other place the Minister for Families, Communities and Disability Services, the Hon. Gareth Ward, MP—no relation but a great Minister—has spoken directly with the Hon. Emma Hurst about this issue previously and has asked the Children's Guardian to explore the possibility for information of sustained findings of animal cruelty offences to be shared by the RSPCA and the Animal Welfare League with the Office of the Children's Guardian. The Office of the Children's Guardian has consulted with the RSPCA and the Animal Welfare League about how they could play an expanded role under the scheme. Our Government recognises the importance of these issues and is actively considering reforms to enhance the safety of children in New South Wales. I thank the Hon. Emma Hurst for her continued advocacy on this issue and I support the motion.

**Ms ABIGAIL BOYD (22:07):** I make a contribution to the debate on behalf of The Greens in support of this motion. The links between animal abuse and domestic violence are well documented and violence against animals is one of the strongest risk factors for domestic homicide. Animal abuse in the context of domestic and family violence includes threats of harm, neglect, killing the animal, mental and emotional abuse, degrading treatment and sexual abuse of the animal. Perpetrators also use pets to manipulate and control victims, for example, by threatening to harm or kill the animal if their demands are not met or to prove their power. They take advantage of the bond between victims of domestic violence and their companion animal, which is especially effective and devastating in the case of children.

The Humane Society of the United States reported that 88 per cent of families that had incidents of child abuse also had incidents of animal abuse. Despite the clear connection, current systems are not suitable for information sharing and coordination enforcement by relevant agencies. The result is that we are failing to protect victim-survivors, their children and their animals. In 2020 Domestic Violence NSW [DVNSW] called for the screening tool, the Domestic Violence Safety Assessment Tool [DVSAT], to be updated to replace "family pet" with "animal" to reflect that perpetrators use domestic and family violence against farmed and assistance animals. I would also add wildlife to that list.

Domestic Violence NSW also recommended that the NSW Police Force notify animal welfare agencies when it has identified when an animal has been harmed or killed, including through the use of the DVSAT, and animal welfare agencies notify the NSW Police Force when an animal has been harmed or killed when there is known or suspected domestic family violence against people. It is also suggested that animal welfare organisations and vets be trained to assist in screening for domestic and family violence. Inclusion of animal cruelty offences in the schedule to the Child Protection (Working with Children) Act would acknowledge the relationship between animal abuse and child abuse, providing clear and ongoing legal consequences for those who have committed animal cruelty offences.

There are overseas examples of cross-agency reporting to facilitate the safety of children. In 2009 New Zealand established a reporting protocol between the Royal New Zealand Society for the Prevention of Cruelty to Animals and the Ministry for Children, or Oranga Tamariki, to encourage cross-reporting of child and animal abuse between agencies to improve collaborative responses to domestic and family violence. The London child protection procedures also currently encourage such collaboration. Professor Shurlee Swain in her 2014 report for the Royal Commission into Institutional Responses to Child Sexual Abuse described the provision of child welfare in Australia as a patchwork rather than a coordinated model. The Greens support the Hon. Emma Hurst's motion in seeking to highlight and begin to close one of the gaps created by this patchwork, which is the link between animal abuse and child abuse.

**The Hon. LOU AMATO (22:10):** Children have a right to be safe and it is our responsibility to assure them of their safety. I understand the Minister for Families, Communities and Disability Services in the other place, the Hon. Gareth Ward, has met with the Hon. Emma Hurst to discuss this important issue. I assure the honourable member that the Minister has listened and is acting. The Child Protection (Working with Children)

Act 2012 lists a number of offences that are either risk-assessment triggers or disqualifying offences under schedules 1 and 2 respectively to the Act. Research suggests that any animal abuse is a relevant factor when assessing risk to children. That is why aggravated cruelty to animals has been included as a risk-assessment trigger under schedule 1 to the Child Protection (Working with Children) Act and a pending charge or conviction for bestiality is a disqualifying offence under schedule 2 to the Act.

This Government is committed to a number of reforms to make the Working With Children Check scheme even stronger by responding to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and closing any gaps that may exist. The RSPCA and the Animal Welfare League are the two lead agencies with access to information about animal cruelty offences. The Government is considering how information from those two agencies about sustained findings of animal cruelty can improve the Working With Children Check assessment process. The New South Wales Government is constantly making improvements to policy and legislation that protect the safety and wellbeing of children. The Government currently is finalising its position on those matters and will have more to say very soon. I assure the Hon. Emma Hurst that the issue is being taken seriously. I also want to thank the honourable member for her continued ardent advocacy on this very important issue.

**The Hon. PENNY SHARPE (22:13):** Labor supports the motion. I thank the Hon. Emma Hurst for her work in this area. She has never let this issue go. She continues to raise it. I am very pleased to hear from Government members that there has been some progress. I also thank Ms Abigail Boyd. There has been a lot of discussion around the varied research into the subject. It is pretty clear that people who abuse animals are highly likely to also abuse their children and the partners in their life. That link needs to be identified. It is a pathway to understanding when children may be completely unsafe in the families in which they are living, and that may not be picked up in any other way. I wish to see that gap closed. We have to take that matter seriously. The Government has said all the right things. However, I will make three observations about the Government's response.

I do not doubt the Minister's sincerity in wanting to advance this issue. The first point though is that this issue needs more resourcing. It is not going to be an easy task to get those databases in line and workable with the Children's Guardian. I will be watching very closely to see where the extra resources go if the Government makes a commitment to do this. Yes, we can change the law but if we cannot resource it we cannot fix it. I point to the fact that we have record numbers of assessments of children at risk of serious harm in this State—over 115,000 in the past year—and still only 30 per cent of kids ever see a caseworker. We have a serious problem with child abuse and we are not responding in the way that we should.

It is also getting to the point where we know that the Government is failing to meet its own Premier's Priority because of the number of cases that are closed due to lack of resources and the number of kids who are re-reported. The Government now has 40 per cent of kids whose cases are closed by the department and are re-reported within 12 months. This is a very good motion that will make a big difference to the safety of kids. But let us not kid ourselves: If we do not put resources into making it work, it will all sound very nice but not one extra kid will be safer as a result.

**The Hon. EMMA HURST (22:16):** In reply: I thank the Hon. Natalie Ward, Ms Abigail Boyd, the Hon. Lou Amato and the Hon. Penny Sharpe for their contributions. I look forward to working with the Minister on this issue. I note that this motion is not a criticism. I am aware that the Government is open to changes in this very important space and I appreciate the assurances that have been given tonight. I would hope to see updates very soon to make cruelty a trigger offence, which currently it is not, and to make high-level offences automatic disqualification offences. This is a serious issue and we know that the research link is there. I again thank members for their contributions.

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

**Motion agreed to.**

#### WOMEN OF THE YEAR AWARDS

**The Hon. SHAYNE MALLARD:** I move:

That private members' business item No. 1088 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. SHAYNE MALLARD (22:17):** I move:

- (1) That this House notes that:
  - (a) on Wednesday 10 March, 2021 the New South Wales Women of the Year Awards was held at the International Convention Centre in Darling Harbour;

- (b) the New South Wales Women of the Year Awards recognise and celebrate the outstanding contribution made by women across New South Wales;
- (c) distinguished guests who attended the awards included:
  - (i) New South Wales Governor Her Excellency the Hon. Margaret Beazley, AC; QC;
  - (ii) the Hon. Gladys Berejiklian, MP, Premier;
  - (iii) the Hon. Brad Hazzard, MP, Minister for Health and Medical Research;
  - (iv) the Hon. Bronnie Taylor, MLC, Minister for Mental Health, Regional Youth and Women; and
  - (v) the Hon. Penny Sharpe, MLC, Deputy Leader of the Opposition in the Legislative Council;
- (d) in 2021, there are seven award categories:
  - (i) NSW Woman of Excellence Award;
  - (ii) NSW Aboriginal Woman of the Year;
  - (iii) NSW Community Hero;
  - (iv) NSW Young Woman of the Year;
  - (v) NSW Regional Woman of the Year;
  - (vi) The One to Watch Award; and
  - (vii) Premier's Award for NSW Woman of the Year;
- (e) the 2021 New South Wales Woman of the Year is Dr Kerry Chant, the New South Wales Chief Health Officer;
- (f) the other category winners are:
  - (i) Woman of Excellence Award – Dr Kerry Chant;
  - (ii) Regional Woman of the Year Award – Grace Brennan;
  - (iii) Cancer Institute NSW Aboriginal Woman of the Year Award – June Riemer;
  - (iv) Aware Super NSW Community Hero of the Year Award – Jean Vickery;
  - (v) Harvey Norman NSW Young Woman of the Year Award – Dr Samantha Wade; and
  - (vi) The One to Watch Award – Molly Croft;
- (g) the finalists for the New South Wales Woman of Excellence Award are:
  - (i) Alison Covington;
  - (ii) Amala Groom;
  - (iii) Amanda Rose;
  - (iv) Erika Gleeson;
  - (v) Dr Kerry Chant;
  - (vi) Kim Liddell; and
  - (vii) Kristy Masella;
- (h) the finalists for the New South Wales Regional Woman of the Year Award are:
  - (i) Christine Welsh;
  - (ii) Grace Brennan;
  - (iii) Lucy Samuels and Lucy Taylor; and
  - (iv) Nicole Scholes-Robertson;
- (i) the finalists for the Aware Super New South Wales Community Hero of the Year Award are:
  - (i) Chris Cleary;
  - (ii) Donna Ciccia;
  - (iii) Jean Vickery;
  - (iv) Joh Leader;
  - (v) Sharon Robertson; and
  - (vi) Theresa Mitchell;
- (j) the finalists for the Harvey Norman New South Wales Young Woman of the Year Award are:
  - (i) Darian Lenton;

- (ii) Emily Milton Smith;
  - (iii) Emma Finemore;
  - (vi) Reburdah Dennis;
  - (v) Dr Samantha Wade; and
  - (vi) Shelby Lacey;
- (k) the finalists for the Cancer Institute New South Wales Aboriginal Woman of the Year Award are:
- (i) Dr Cynthia Briggs;
  - (ii) Dixie Link-Gordon;
  - (iii) Helen Duroux;
  - (iv) Dawn Smith;
  - (v) June Riemer;
  - (vi) Kristy Masella; and
  - (vii) Dr Lynette Riley;
- (l) The finalists for the One to Watch Award are:
- (i) Amelia Munday;
  - (ii) Annabelle Kingston;
  - (iii) Charlotte Childs;
  - (iv) Daniya Atif Syed;
  - (v) Ella Treanor;
  - (vi) Izabelle Kelly;
  - (vii) Khawlah Asmaa Albal;
  - (viii) Molly Croft; and
  - (ix) Zara Matthews;
- (m) the New South Wales Local Women of the Year Honour Roll are: Edwina Lumsden (Albury), Maria Matthes (Ballina), Kathleen Hacking (Balmain), Dale Donadel (Bankstown), Amanda Cheal (Barwon), Joan Sweetnam (Bathurst), Sonja Palic (Baulkham Hills), Nichole Sansom (Blacktown), Beth Raines (Blue Mountains), Jodie McGuren (Camden), Michelle Mays (Campbelltown), Jacquie Cheetham (Canterbury), Denise Daynes (Castle Hill), Kim Sweeny (Cessnock), Meg Purser (Charlestown), Gwendolyn Gray (Clarence), Kerry Clancy (Coffs Harbour), Rebecca Waugh (Coogee), Cathy Mason (Cronulla), Penny Howell (Davidson), Franca Rodilosso (Drummoyne), Joy Harrison (Dubbo), Kerry Fozzard (East Hills), Rasha Daniel (Fairfield), Kylie Brown (Gosford); Michele Whitters (Goulburn), Bharathi Rengarajan (Granville), Dennise Williams (Hawkesbury), Eliza Clark (Heathcote), Clementine Hartson (Heffron), Carol North-Samardzic (Holsworthy), Emily Crockford (Hornsby), Mandy Booker (Keira), Maggie Dent (Kiama), Dianne Cameron (Kogarah), Joan Harris, OAM, (Ku-ring-gai), Saretta Fielding (Lake Macquarie), Jan McNairn (Lakemba), Carmen Stewart (Lismore), Madeline Mercieca (Londonderry), Melita Chilcott (Maitland), Samantha McCourt (Manly), Sharon Baxter-Judge (Monaro), Christine Cawsey, AM, (Mount Druitt), Marie Haining (Mulgoa), Marie Clarke (Murray), Jennie Cameron (Myall Lakes), Catherine Henry (Newcastle), Wendy Bacon (Newtown), Colleen Godsell, AM, (North Shore), Anna Harrison (Northern Tablelands), Justine Williams (Oatley), Beverley Rankin (Orange), Judith Ward (Oxley); Joh Dickens (Penrith), Lynleigh Greig (Pittwater), Lesley Tierney (Port Macquarie), Sue Pollock (Port Stephens), Jodie Baker (Prospect), Julianne France (Riverstone), Veronica Giles-Cook (Rockdale), Denise Minifie (Ryde), Sylvia Granturco (Seven Hills), Kimerlie Sattler (Shellharbour), Susanne Whitford (South Coast), Lalitha Mahadevan (Strathfield); Cheree Toka (Summer Hill), Lynette Axford (Swansea), Elizabeth Elenius (Sydney), Claire Braund (Terrigal), Sharyn Becker (The Entrance), Denise Singleton (Tweed), Dianne Sneddon (Upper Hunter), Judith McMahon (Vaucluse), Natalie Randall (Wagga Wagga); Nancy Bosler, AM, (Wakehurst), Suzie Ninevski (Wallsend), Allana Thompson (Willoughby), Kim Hill (Wollondilly), and Dianne Elvy (Wollongong).
- (2) That this House strongly endorses the New South Wales Women of the Year Awards, congratulates the finalists and winners and acknowledges their contribution to their communities.

Every motion we have heard today has been very important but this is a very positive contribution to our private members' business day. I am very proud to talk about the 2021 New South Wales Women of the Year Awards, which were held on 10 March at the International Convention Centre in Darling Harbour. This event is held during NSW Women's Week, which ran from 8 to 14 March, and also coincides with International Women's Day. The NSW Women of the Year Awards recognise and celebrate the outstanding contributions made by women across New South Wales. Members will see that I have taken the time to list in the motion all the finalists for all the awards, all the champions from every electorate nominated by members of Parliament. There are over 100 finalists, and that is just the tip of the iceberg of achievers in our State. The motion is particularly detailed for members to consider. It was an honour to attend the awards with a young woman mentee, Kendall Lane, who is

studying a Bachelor of Science (Health) and a Masters of Nursing at the University of Sydney, and my adviser Shani Murphy, whom I also proudly mentor.

I acknowledge a number of distinguished guests who were at the awards, including the Premier, the Hon. Gladys Berejiklian; Her Excellency the Governor, the Hon. Margaret Beazley, AC, QC; the Hon. Brad Hazzard, the Minister for Health and Medical Research; the Hon. Bronnie Taylor, the Minister for Mental Health, Regional Youth and Women—and I commend her for one of the best awards breakfasts I have attended in many years; and the Hon. Penny Sharpe, Deputy Leader of the Opposition in the Legislative Council, who was on the same table as me and who was most enjoyable company. We did not actually get to eat, though. Numerous local MPs were also at the event with their local women of the year.

This year there were seven award categories, including the NSW Woman of Excellence, NSW Aboriginal Woman of the Year, NSW Community Hero, NSW Young Woman of the Year, NSW Regional Woman of the Year, The One to Watch Award, and the Premier's Award for NSW Woman of the Year. As many in this Chamber would know, this year the Premier's NSW Woman of the Year is Dr Kerry Chant—

**The Hon. Bronnie Taylor:** Hear, hear!

**The Hon. SHAYNE MALLARD:** I acknowledge that interjection by the Hon. Bronnie Taylor. Dr Kerry Chant was the hot favourite to win because of her outstanding leadership and stewardship during the COVID crisis. Along with the Premier and Minister Brad Hazzard, Kerry Chant led New South Wales through the COVID-19 pandemic in what has been the world's gold standard response to the crisis. Her tireless work and expert advice has kept New South Wales safe during the pandemic. I congratulated Dr Chant at the awards and was moved by her humility both publicly and privately on receiving the award. Dr Chant remarked to me, "It's a team effort, not just me." They are very humble words indeed. I also note that she was named the NSW Public Servant of the Year and that this House passed a unanimous motion congratulating her on that achievement.

I was very inspired to hear the stories of those nominated in the other categories and the tireless contributions these women have made to their communities. I acknowledge the winners of each category, including Dr Kerry Chant. I acknowledge my friend Amanda Rose, who was nominated in the NSW Woman of Excellence category against formidable candidates. The NSW Regional Woman of the Year is Grace Brennan, who united city and country with the #buyfromthebush campaign to support rural businesses battling drought. The initiative saw a \$5 million revenue uplift and improved the quality of life for 90 per cent of business owners.

The NSW Aboriginal Woman of the Year is June Riemer. June is a proud Gumbaynggirr-Dunghutti woman who has spent 40 years championing the rights of First Nations people and those living with a disability. She was a very emotional award recipient. The NSW Community Hero of the Year is Jean Vickery, who has been a dedicated volunteer for more than 60 years, volunteering for fundraising initiatives and charitable services. She has also been the Woolgoolga Lions Club president. The NSW Young Woman of the Year is Dr Samantha Wade. Dr Wade worked on a team that developed a drug delivery device aimed at improving outcomes for patients with pancreatic cancer.

The One to Watch Award recognises girls and young women aged seven to 17 who demonstrate a single act or ongoing acts of courage, strength and determination. This year's winner is 15-year-old Molly Croft from Dubbo, who overcame a battle with cancer and raised thousands of dollars for research. Molly was diagnosed with osteosarcoma on her twelfth birthday and needed major surgeries and intensive chemotherapy. She had to travel hundreds of kilometres from her home for treatment. I left the NSW Women of the Year Awards feeling very inspired and in awe of the fantastic, talented finalists and their dedication to a number of causes close to their hearts. This State and this country are lucky to have such passionate and selfless advocates in our communities. Once again, I commend the NSW Women of the Year Awards and congratulate the finalists and the winners. I commend the motion to the House.

**The Hon. TARA MORIARTY (22:23):** I am very pleased to support the motion. I thank the Hon. Shayne Mallard for bringing it to the House. The Opposition is happy to support it. We acknowledge all of the winners and nominees for the 2021 NSW Women of the Year Awards. The awards are an important acknowledgement and celebration of the outstanding contribution made by women across New South Wales. The level and importance of the awards is demonstrated by the distinguished guests who attended as outlined in the motion, including the Governor of New South Wales; the Premier; the Deputy Leader of the Opposition in this place, the Hon. Penny Sharpe; and, of course, the Minister for women, Bronnie Taylor, as well as many MPs from across the State who were in attendance to acknowledge and recognise nominees from their communities.

The categories included, of course, the NSW Women of Excellence Award, the NSW Aboriginal Woman of the Year, the Community Hero, the Young Woman of the Year, the Regional Woman of the Year, the One to Watch Award, and the NSW Premier's Woman of the Year Award. There were many truly outstanding nominees

for each of the categories, women from across the State, leading in their fields, supporting their communities and doing great work deserving recognition. They are all listed in detail in the motion. On behalf of the Opposition I thank and congratulate them all. The award winners are all outstanding.

I congratulate the Regional Woman of the Year, Grace Brennan, who has done a terrific job with her #buyfromthebush campaign—I followed the campaign with great interest to see regional businesses get a wider audience through her program; the Aboriginal Woman of the Year, June Riemer, for her outstanding 40 years of advocacy for First Nations people and people living with disabilities; Jean Vickery, Community Hero winner, for her tireless work on bushfire and drought relief and much more; Young Woman of the Year, Dr Samantha Wade, for doing such great work helping to develop a drug delivery device aimed at improving outcomes for pancreatic cancer patients; the One to Watch Award winner, Molly Croft, for her courage and strength through her journey with cancer; and of course the overall winner, the NSW Woman of the Year, the absolutely deserving winner, Dr Kerry Chant.

I very much support and endorse that award. She is absolutely the most outstanding woman in New South Wales, to get us through this pandemic over the course of the past year. It is particularly great to have been able to acknowledge her with this award, still in the middle of this pandemic, rather than waiting till the end of it—to be able to stop and acknowledge the work she has done, is doing and, unfortunately, will have to continue to do, as we have seen from today. I thank Dr Chant again on behalf of the Opposition. I congratulate her on the award and congratulate all the women who were nominated and successful. Well done to all of the women across New South Wales for the work they are doing in their communities.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (22:26):** I thank the honourable member for moving the motion. It is so important to celebrate the achievements of women and girls across the State. As others have done, I congratulate the fantastic finalists and winners of the 2021 NSW Women of the Year Awards. Thirty of our State's most inspirational women were recognised at the awards on Wednesday 10 March at the International Convention Centre. I was joined at the awards by Her Excellency the Hon. Margaret Beazley, AO, Governor of New South Wales, and Mr Wilson; all of my parliamentary colleagues from all sides of the Chamber who were able to attend; past NSW Women of the Year Award winners; and the wonderful Local Woman of the Year award recipients. It was my absolute pleasure to present the 2021 NSW Women of the Year Awards right in the middle of NSW Women's Week.

Each of the finalists fought for what they believed in and they chose to challenge. They have pushed boundaries to make significant change across many spheres, including health, education, science and community. They have achieved significant results and made real change to the lives of so many. I was particularly excited about the One to Watch Award category, which was introduced in 2021. I congratulate Molly Croft from Dubbo, who—in her own words—is so much more than the girl who had cancer. Molly, through her fundraising achievements and her community work, and as a coach of an under-12 basketball team, is an inspiration to young girls everywhere. Along with the Hon. Tara Moriarty and the Hon. Shayne Mallard, I also congratulate Dr Kerry Chant, the New South Wales Chief Medical Officer, who was named NSW Premier's Woman of the Year and the NSW Woman of Excellence. Throughout the COVID-19 pandemic, Dr Chant has offered vital health information for our State. Most importantly, her confidence and professionalism have made us all feel safe. She really is an outstanding Australian.

I take this opportunity to congratulate all the New South Wales local women included in this year's honour roll. They should be commended for their achievements and their demonstrated impact on their community. I offer a big thank you to each and every one of the finalists, the winners and the local women. I make a special note of Jean Vickery from Woolgoolga, who took the house down on the day with her grassroots activism, her realness and her wonderful sense of wanting to give so much to other people for her own communities. These women are our future. They need to keep challenging the status quo, pushing the boundaries and fighting for what is right.

**The Hon. SAM FARRAWAY (22:29):** I acknowledge the Hon. Shayne Mallard for moving this important motion. I congratulate all the finalists and winners of the 2021 NSW Women of the Year Awards. Like all previous speakers, I sincerely commend their contributions to their communities, families and workplaces. As the Minister outlined, 30 inspirational women were recognised on Wednesday 10 March at the 2021 NSW Women of the Year Awards held at the International Convention Centre at Darling Harbour. It was a fantastic morning to celebrate the achievements of the finalists, the winners and, obviously, New South Wales local women.

I acknowledge and make particular mention of Ms Grace Brennan, who started the social media and online movement #buyfromthebush. It was fantastic to see her win the NSW Regional Woman of the Year, a very worthy winner in that category. Grace's story is incredible. She started the initiative on her kitchen table while she was pregnant with her fourth child and led the charge in effecting positive change for regional and rural New South Wales. Her actions have helped struggling businesses across the State during a really tough time and she epitomises the strength and resilience of women across the regions. It is worth noting that her work has resulted

in a \$5 million revenue uplift for participating regional businesses through that platform. I am sure many honourable members would remember Christmas 2019 when she helped organise the Buy From The Bush campaign in Martin Place. I remember going down there—

**The Hon. Damien Tudehope:** Everything sold out.

**The Hon. SAM FARRAWAY:** Yes. By the time I got down there, there was nothing left.

**The Hon. Shayne Mallard:** You have to get up early.

**The Hon. SAM FARRAWAY:** That is right. It is important to acknowledge that this award celebrates and elevates the voices of some rural, regional and remote women who are helping build a safer and stronger regional New South Wales. I also acknowledge the previous speaker, my good friend the Hon. Bronnie Taylor, the Minister for Mental Health, Regional Youth and Women, for championing the awards and continuing to celebrate the achievements of women and girls across the State. Congratulations to Grace and all the finalists, winners and, in particular, Molly from Dubbo. She is an absolute champion.

**The Hon. WALT SECORD (22:32):** As the shadow Treasurer and as the former shadow Minister for Health I make a brief contribution to the motion. I acknowledge Dr Kerry Chant as NSW Woman of the Year. I had many encounters with Dr Chant in the budget estimates process and various health committees and I found her to be a thoroughly professional human being. I congratulate her deeply and sincerely on her award. It is very well deserved. Dr Chant and the Australian community have been the champions of COVID. To give a bit of context, I have friends and family in Canada, the United States, Israel and Germany. COVID in those countries is a health experience. In New South Wales we are now shifting to an economic fight. As an example, in Canada there have been 24,300 deaths, compared to 910 in Australia. COVID has touched everyone in North America. My spouse's uncle in Toronto died of COVID. To give further context, in my mother's small, rural local government area there have been 41 COVID deaths. That compares to 54 for the entire State of New South Wales. I conclude by saying that Dr Kerry Chant's award is well deserved.

**The Hon. BEN FRANKLIN (22:33):** I support the motion moved by the Hon. Shayne Mallard and echo the sentiment that the NSW Women of the Year Awards recognise the extraordinary work of some extraordinary women in our State. On 10 March seven deserving women were acknowledged for their achievements and over 100 more were either nominated for these prestigious awards or recognised on the Local Women of the Year Honour Roll. These awards, and NSW Women's Week, are vital events on our calendar and are particularly timely.

According to ABS data, and as we all know, women make up more than 50 per cent of the population of Australia. However, as we also know, many women feel marginalised and unseen. That has to end. Over the past weeks and months, millions of women in this country and around the world have told us just that. We need to do more; we need to be better. Those awards are another small step on our journey to achieving that. I am incredibly proud of the achievements of Dr Kerry Chant, Grace Brennan, June Riemer, Jean Vickery, Dr Samantha Wade and Molly Croft. From leading the State through a pandemic, to leading the bush through a drought—by encouraging us to #buyfromthebush—we must celebrate the calibre of those extraordinary women who have made a profound difference on all of our lives. I also recognise the sincerity of each winner and nominee. Not one of them was motivated by accolades or public distinction. Rather, they were solely motivated by the genuine desire to make a positive difference in our world.

It was wonderful to see three women from the Northern Rivers region listed on the Local Women of the Year Honour Roll. I congratulate each of those women individually. Ballina resident Maria Mathes is a threatened species ecologist and advocate for protecting local wildlife, especially koalas. She was also honoured this year in the Ballina Shire Australia Day Award, winning the environmental award for her important work in that space. Lismore resident Carmen Stewart is the organiser of It Takes a Town, an initiative that supports those in crisis, whether it be poverty, homelessness or trauma. The concept behind the initiative is to encourage the community to recognise the power that they have to help and to coordinate the efforts of local organisations, groups and individuals to make the biggest impact possible.

Finally, Tweed resident Denise Singleton is the founder of Wigs 4 Wendy, a charity that Denise formed after she lost her sister, Wendy, to cancer. The charity supports women in the Northern Rivers region who are going through or recovering from chemotherapy. Wigs, turbans and hairpieces are provided free to women to help them feel more like themselves. Those are only three of many hundreds, thousands and tens of thousands of extraordinary women across our State who are selfless, passionate and dedicated to putting their communities first. I acknowledge, honour and thank them all.

**The Hon. SHAYNE MALLARD (22:36):** In reply: I thank the members who contributed to debate on the motion. They include the Hon. Tara Moriarty, the Hon. Sam Farraway, the Hon. Walt Secord, the Hon. Ben Franklin and Minister Bronnie Taylor, whom I acknowledged in my contribution in regard to the magnificent

production at the award ceremony. That was one of the best awards ceremonies that I have been to. When the Hon. Walt Secord spoke about Dr Kerry Chant—whose humility I mentioned earlier—I was reminded of something that happened at the end of the awards ceremony when everyone was milling around. I took two young women whom I am humbled to mentor to meet the Premier and Dr Chant. When Dr Chant found out that Kendall Lane, one of those young women, was studying medical studies, nursing studies and medical work, she honed in and provided advice and guidance on her studies and where she could go in medicine. One of the benefits of those awards events is that a lot of networking can be done, which I was very impressed by.

The humility of the award recipients was amazing. Minister Bronnie Taylor would agree that everyone on stage felt like they had won, even though only one person was the true winner. Everyone was hugging and cheering as though they had all won. The Local Women of the Year Honour Roll, which the Hon. Ben Franklin referred to, included a woman from every electorate, nominated by their local member. That was a great way to celebrate role models in the community. I commend the organisers of the awards, I commend the Minister and those who attended, I commend the winners of the awards and I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### BUYING IN NSW, BUILDING A FUTURE

#### Production of Documents: Order

**The Hon. DANIEL MOOKHEY:** I move:

That private members' business item No. 1119 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (22:39):** I seek leave to amend private members' business item No. 1119 outside the order of precedence for today of which I have given notice by inserting after paragraph (d):

- (e) all modelling, analysis, assumptions and any other associated documents relating to any proposal outlined in the consultation paper entitled, *Buying In NSW, Building A Future*; 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 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, the Minister for Finance and Small Business or Treasury relating to the consultation paper entitled *Buying In NSW, Building A Future*:

- (a) all submissions lodged with the Treasury or its advisers in response to the release of the consultation paper entitled *Buying In NSW, Building A Future* released in the NSW Budget 2020/2021;
- (b) all briefing notes prepared for the Treasurer, the Secretary of Treasury, or a Treasury Deputy Secretary regarding the stamp duty or property tax outlined in the consultation paper entitled *Buying In NSW, Building A Future*;
- (c) all documents relating to any meeting held by the Treasurer's office, the Treasury or its advisers, including but not limited to KPMG, regarding the property tax outlined in the consultation paper entitled *Buying In NSW, Building A Future*;
- (d) any non-disclosure agreements entered into by any person or organisation consulted in response to the release of the consultation paper entitled *Buying In NSW, Building A Future*;
- (e) all modelling, analysis, assumptions and any other associated documents relating to any proposal outlined in the consultation paper entitled *Buying In NSW, Building A Future*; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Treasurer is embarking upon what he describes as a very fundamental change in the State's taxation system in which he is contemplating a shift away from a historic reliance on stamp duties towards a reliance on a mixture of stamp duties and a tax on people's homes. In pursuit of such a proposal, he has issued a consultation paper entitled *Buying In NSW, Building A Future*, which is riveting reading—certainly amongst the shadow finance and Treasury people—and thoroughly enjoyable. The Treasurer invited contributions from the people of New South Wales to tell him what they think, and they have in quite high numbers.

The people of New South Wales are telling the Government what they think but, sadly, no-one in New South Wales can read the views of their fellow citizens because none of these submissions have been made public. In fact, what is worse is that all of these submissions have been made, effectively, to KPMG—an accounting firm retained by the NSW Treasury at the cost of some \$5 million, as exposed by the shadow Treasurer

earlier. What is even worse is that, in respect to this particular consultation process, media reports say that participants have to sign a non-disclosure agreement—that is, a contract with the New South Wales Government not to speak about what they are speaking about.

That in itself is slightly odd, especially when considering a transition that would have an immense effect on so many people through our most commonly owned asset class in New South Wales and the country at a time when housing affordability is returning as a massive issue. It might be the case that the proposals that are contained in these consultation papers are good. It might be the case that they are not. It might be the case that there are technical details and technical concerns in respect to these proposals. It might be the case that there are in-principle objections or in-principle support. We just do not know because none of us can see what is in them.

One would think that a government that is intending to embark upon such a radical change in the tax mix, including the proposition to tax people's family homes, would want to encourage as much public confidence in its actions and intentions as possible and therefore would prefer maximum transparency at all times. Alas, that has not been the practice of the Treasurer or the Treasury so far. The Treasury and the Treasurer could release these documents straightaway. They could publish all the submissions, as is routine for all other forms of public consultation in lieu and in support of a proposal.

When it comes to any reform of such magnitude, there is a need for in-depth and in-detail public consultation to take place, so that people who have a view and who wish to be spoken to by an expensive accounting firm do not have to sign a non-disclosure agreement barring their ability to talk to anyone else. It is time that the people of New South Wales are let in on the conversation. It is time that the Parliament is let in on the conversation. If the Government intends to pursue this reform in just a few weeks, when the budget is handed down, then it should do so with maximum input and maximum information so the debate can be informed and informative on all sides. With respect to the particular proposal that is contained here, the Labor Opposition has been highly constructive. It has been far more constructive than any Liberal opposition or government has been on any major question of tax reform in the past 20 years.

I acknowledge that, as the Treasurer said during budget estimates when we were having interchanges, a measure of the faith has been displayed by both sides to allow this proposal to develop. But there are serious questions about the proposal. We are entitled to have access to the best and latest information that is available but, more importantly, we are entitled to understand what the people of New South Wales actually think about it—certainly those who have participated in the consultation. If the Government has confidence and faith in its proposal, it has nothing to hide. If the Government is indeed sincere about having a serious conversation about serious economic reform, then I am sure it would like everyone to be as informed as possible. There is no reason whatsoever for resistance towards this motion. Submissions to a consultation paper are not State secrets that we are talking about. We are talking about the views of our citizenry in respect of major reform that will affect every person in this State for decades to come.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:45):** I think the real reason members opposite would like to see these documents is that we would like to see their submissions. Have they made a submission? Tax reform in this country is really important and should not be the subject of—

**The Hon. Penny Sharpe:** Consultation?

**The Hon. DAMIEN TUDEHOPE:** It should be the subject of consultation. And you should in fact engage in that process.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! Members on both sides of the Chamber will cease interjecting.

**The Hon. DAMIEN TUDEHOPE:** In relation to the request, a key issue is the timing and size of the—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Walt Secord to order for the first time.

**The Hon. Penny Sharpe:** Haven't you been called to order today?

**The Hon. Walt Secord:** No, I'm underperforming.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I agree!

**The Hon. DAMIEN TUDEHOPE:** In relation to this call for papers, the key issue is the timing and size of the request. There are likely to be thousands of documents potentially within the scope of this request. Identifying those documents, cataloguing them and determining issues of privilege and Cabinet confidentiality will divert resources on the property tax reform at a critical time of that submission. The Treasury team is currently engaged in reviewing public submissions on the reform and finalising policy advice for consideration by the

Government. The timing and scope of this request would divert important resources from teams working on the property tax reform at the most critical time and would potentially put the entire reform at risk.

**The Hon. Penny Sharpe:** Even for you, Damien, that is ridiculous.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I again remind members that I am on a short fuse at 10.45 p.m. so both sides of the House should cease interjecting.

**The Hon. DAMIEN TUDEHOPE:** So am I. Ordinarily, before publishing submissions, Treasury would seek permission from all participants. This call for papers takes away the choice from participants in the consultation process as to whether their input is made public. While the submission period has closed, submissions are still coming in. Some submissions have been marked confidential, with participants obviously expecting that their views will not be publicised. Crucially, a significant amount of documents within the scope of the order are likely to be subject to Cabinet confidentiality and unable to be disclosed. This request would be a significant diversion of resources at a critical stage of the proposed reform in circumstances where a significant number of documents sought may be unable to be disclosed under Cabinet confidentiality. We cannot jeopardise this important reform at the most crucial stage. Consultation has been broad, including a wide range of stakeholders.

I seek a short extension of time in view of the interjections.

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** Consultation has included developer and builder groups, financial institutions, community organisations, and representatives for small business and farmers. No final policy positions have been settled. It is important for the Government to have the opportunity to consider all feedback before making this important decision. The proposal outlined in the consultation paper envisages eventually transitioning all property to property tax. Doing so via an opt-in mechanism will ensure that people can choose the tax that best suits their circumstances. Replacing stamp duty with an annual property tax will support home ownership, housing mobility and economic growth. It is important for us to engage in debate on it. It is easy to do nothing because there are no political consequences. I say to members opposites: Please do not jeopardise an opportunity for a once-in-a-lifetime reform.

**Ms ABIGAIL BOYD (22:49):** I speak for The Greens in support of the motion put forward by the Hon. Daniel Mookhey. I agree this is a really important issue. The Greens also support transitioning away from stamp duty—which is a completely inefficient and ridiculous tax that is long overdue of being abolished—and putting in place some form of stable property tax. However, this could be done in so many ways. We have seen lots of different transition models in a lot of jurisdictions. The model put forward by the Government raises more questions than answers and, on the face of it, does not stack up from the basis of a revenue perspective. It does not stack up from a fairness and equity perspective. It is important that we get this right, and it is important that the Government is not arrogant and consults across the table and shows us the information that it is working on. Let us all have a look at how the Government came up with this particular model. We all want this to work and the model that has been put forward by the Government, on its face, does not work.

I will cover two more issues. One is the idea that somehow the call for papers under Standing Order 52 is a massive imposition. If the Government did not hide things in the first place, we would not have to make a call for papers. The second is in relation to consultation. Consultation by this Government is getting more and more ridiculous. I do not know whether the Government has a box it needs to tick internally to say, "We have done consultation. In the transport area consultation is ticked on the basis of having looked at Opal data." Now it has "consultation" apparently with the public with non-disclosure agreements. That is not consultation. Let us have an accountable process where we actually have a discussion. I do not know what the Government is scared of. We can all be involved in this and together we can come up with a workable model for transitioning away from stamp duty. The Greens support the motion.

**The Hon. SCOTT FARLOW (22:51):** I speak against the motion relating to Standing Order 52, as moved by the Hon. Daniel Mookhey.

**The Hon. Daniel Mookhey:** Twice tonight.

**The Hon. SCOTT FARLOW:** Twice tonight. There was no Reagan mentioned this time around, so you could not sway me on that.

**The Hon. Shayne Mallard:** Thatcher.

**The Hon. SCOTT FARLOW:** It is actually 41 years today since Thatcher was elected Prime Minister.

**The Hon. Shayne Mallard:** Hear, hear!

**The Hon. SCOTT FARLOW:** Hear, hear for Margaret Thatcher. The introduction of a property tax would be one of the most significant reforms of the past 50 years in New South Wales. Replacing stamp duty with an annual property tax will support home ownership, housing mobility and economic growth. A long-term, revenue-neutral transition will support fiscal responsibility. Economic benefits of the reform include a long-run boost to State output of around 1.7 per cent and around \$11 billion injected into the State economy over the next four years. However, the order for papers under Standing Order 52 brought to the House today comes at a critical time in the reform process and risks the resources directed to work on the reform being diverted to responding to the order. The Hon. Daniel Mookhey outlined this himself in budget preparations.

I know the Hon. Damien Tudehope can attest to how Treasury at the moment is flat chat working on the budget for June. The Federal Government budget, which the State Government budget is very much formed on, is to be outlined next week. Treasury has done some initial estimates on the order for papers and identified that around 15,000 to 20,000 pages would be covered by the order. Treasury has also estimated the staff time likely to be required to even identify and assess all relevant material. On an initial estimate, Treasury expects that the order for papers might divert project staff for the equivalent of 50 full-time equivalent days. The staff who will be required to make this assessment are the same staff currently working on the reform project—we have already talked about what that time line could look like with the budget in the offing—and they are working their way through the feedback received and, of course, preparing final proposals for the Government's consideration.

As has been outlined by the Hon. Daniel Mookhey and reinforced by Ms Abigail Boyd, submissions have been taken with a certain privacy attached to them, which people have signed up to themselves. People do want to have privacy attached to their submissions. Many people might outline how the reform will affect them directly with reference to their own financial circumstances. That information will be captured by the order for papers. Those people may sign up to the non-disclosure agreements as well, which cuts both ways in an expectation of Government not to be disclosing those private details or their views with respect to the proposal.

As the Hon. Damien Tudehope has outlined, they are indeed proposals. It is premature for all of this material to be made public. Putting it on the public record through an order under Standing Order 52 risks disclosing material that individuals or stakeholders would not otherwise have agreed to have published. We have heard from members opposite that they want to work constructively with the Government. The best way to work constructively with the Government is for the Government to be able to firm its proposals, to consult with the community and to make submissions. We have consulted extensively on this proposal. It still is not over; there will be more for members opposite to see in due course and they need to wait. For that reason, the Government will not support this Standing Order 52 call for papers.

**The Hon. DANIEL MOOKHEY (22:55):** In reply: I thank the Minister for Finance and Small Business for his response and I thank the Hon. Scott Farlow. I also thank Ms Abigail Boyd for her contribution to the debate. The Government is treating the submissions to this consultation paper like they are the Gnostic Gospels, as if they contain such truth that their contents can only be grasped by an elite who is sitting exclusively on its side of politics and in the Treasury. That is not true. This is a democracy. This is about taxation. The people of New South Wales are entitled to know how the Government would like the taxation system to work—that is really at the core of this.

What is worse, implicit throughout the entire contribution from the Government is this fear that the Labor Party and the crossbench are about to treat the Government in the same way the Liberal Party behaves when anyone else proposes any form of tax reform—that is, to run mistruths. In truth, the most destructive force when it comes to tax reform in the past 20 years has been the Liberal Party. Now, all of a sudden, Liberal Party members have decided to self-proclaim themselves the great economic reformers. The Treasurer has embarked upon a national victory tour for a tax reform he is yet to deliver, or even propose. What is worse, when we have the audacity to say that the people of New South Wales should see what the other people of New South Wales seem to think, there is such outrage—such faux outrage—from the Government.

It is remarkable. The consultations ended months ago and we are being told by the Government that releasing these documents now will jeopardise the reform—the Minister said it will "derail" it. Surely things cannot be that bad at the Treasury that publishing public submissions brings such chaos it cannot produce them. If we cannot trust the Treasury to read consultation submissions why should we be trusting it to overhaul the entire State? If the Treasury cannot even process a public consultation appropriately why should we be trusting it with the fate and the value of every home in New South Wales? I have faith in the Treasury. I am confident that the Treasury can publish on the webpage all these submissions at some point in the near future while at the same time preparing a State budget, because it is just not that complicated—it is nowhere near as complicated as is being made out.

In truth, this is a major reform. On our side of politics, we are engaging with it constructively—as acknowledged by the Treasurer and as pointed out in a fine interjection from the shadow Treasurer in this debate.

Constructive dialogue has been happening. It is clear that this something the Government had previously indicated it would publish voluntarily. It is disappointing the Government has not done so. As a result, we will again use the powers given to us, given that the common law origins of those powers are to do with matters of taxation. So let us return to our most historic function and make sure we have a tax system that people can be confident in.

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

**The House divided.**

Ayes .....21  
Noes ..... 15  
Majority.....6

**AYES**

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

**NOES**

Amato	Franklin	Martin
Cusack	Harwin	Mitchell
Fang	Khan	Roberts
Farlow	Maclaren-Jones (teller)	Tudehope
Farraway (teller)	Mallard	Ward

**PAIRS**

Moselmane

Taylor

**Motion agreed to.**

**SNOWY VALLEYS COUNCIL AND COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
DEMERGER**

**Production of Documents: Order**

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

That private members' business item No. 1110 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (23:10):** I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Minister for Local Government or the Local Government Boundaries Commission relating to the proposals to demerge both the Snowy Valleys Council and Cootamundra-Gundagai Regional Council:
  - (a) all documents relating to the proposal to demerge the Snowy Valleys Council, including all reports prepared by the Local Government Boundaries Commission for the Minister for Local Government;
  - (b) all documents relating to the proposal to demerge Cootamundra Gundagai Regional Council, including all reports prepared by the Local Government Boundaries Commission for the Minister for Local Government; and
  - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (2) That this House calls on the Minister for Local Government to table the responses to reports prepared by the Local Government Boundaries Commission in relation to both demergers in the Legislative Council, on completion.

I will speak briefly to this motion, which seeks documents connected to a report of the Local Government Boundaries Commission relating to the proposal to demerge both the Snowy Valleys Council and the Cootamundra-Gundagai Regional Council. It is a matter of record and sad history that this Government embarked upon a disastrous program of forced council amalgamations that uprooted communities of interest, put unrelated

entities together, caused enormous dislocation for organisations charged with delivering local services that were already struggling and caused increases in costs that have been transferred to those local communities. Those communities have had to pay the price for this Government's ideological folly.

It was always an article of faith for those opposite that somehow council amalgamations were a silver bullet—a form a micro-economic reform where, if one did this, there would be synergies and savings that would somehow miraculously lead to improvements of a financial nature. But in the practical examples that we have seen in this State that has not proven to be the case. What has proven to be the case is organisational dysfunction, putting together already struggling entities that, in a combined body, have failed. We get failures like the Central Coast Council. In relation to the two particular councils that are the subject of this motion, community concern has run so hot and so high that the Government charged the Local Government Boundaries Commission to look into these matters. That is probably a good thing—but what happened? What did the commission find out?

**The Hon. Mick Veitch:** We don't know.

**The Hon. ADAM SEARLE:** I acknowledge that interjection. We do not know because the Government has kept that report under lock and key. It has kept it from the community and kept it from the members of this House. Members of this House are interested in these issues—the impacts on local communities in these regions and the costs that have been transferred because of this Government's ideological folly, which have hit the hip pocket of the ratepayers of these towns and villages. This House—and the wider community—needs to get hold of these documents so we can have an insight into this Government's policies, their practical impacts and what the boundaries commission has found.

What recommendations did it make? Did it make findings about whether this policy was good, bad, flawed or ill-conceived, or about the costs these communities have had to wear—the dollars and cents, the chapter and verse? We simply do not know because this Government, obsessed with secrecy, has not brought these documents into the public domain so that they can inform an ongoing community discussion about the policy of mergers and the relative merits of demerging these forcibly merged councils. I ask this House to compel the Government to produce these documents so that we can learn more to inform our debate and the wider community discourse on these issues.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:14):** I commence by reflecting on how community proposals to demerge councils are handled. The Local Government Act does not in fact have a demerger process; however, the Act has provisions that allow councils or their electors to make a proposal to the Minister for Local Government. If the Minister receives a proposal to create a new council area, it is first assessed against the statutory criteria by the Office of Local Government under the Local Government Act to determine whether it is valid. If the Minister decides that the proposal should proceed, then the Act requires that the Minister give public notification of the making of the proposal to allow all interested parties to make submissions. The Act also requires the Minister to consider all representations made about the proposal. Once the Minister decides that a proposal should continue, it is then referred to the Boundaries Commission for examination and report against the statutory factors.

The Minister has taken this process in regard to the proposals affecting the Cootamundra-Gundagai Regional Council and the Snowy Valleys Council. In November 2019 the Minister referred the elector proposals to the Local Government Boundaries Commission for examination and report under the Local Government Act 1993. The elector proposals submitted are pursuant to section 215 of the Local Government Act 1993, seeking to create a new local government area out of the merged Cootamundra-Gundagai Regional Council and the Snowy Valleys Council. The Minister directed the Boundaries Commission to hold a public inquiry. Hearings were held under COVID-19 conditions. The hearings for the proposal concerning Snowy Valleys Council were completed on 5 November 2020. The hearings for the proposal concerning Cootamundra-Gundagai Regional Council were held on 25 and 26 November 2020.

The Minister is closely examining the reports before making a decision as to whether implementation of the proposal is recommended to the Governor. While the Minister has no statutory time frame to make a decision, she is aware of the community's expectations that the process be completed in a reasonable time frame to provide certainty to the council and local residents. I would expect that the mover of the motion understands the importance of taking time to closely examine a report prior to making a decision. Both reports are currently before the Minister after the Boundaries Commission spent 15 months preparing them. It is essential for the communities of Snowy Valleys Council and Cootamundra-Gundagai Regional Council that these reports are considered carefully. For the benefit of the House, the Minister committed at budget estimates on 11 March to make the reports public. They are currently Cabinet in confidence. I ask the House to consider supporting due process and displaying some additional patience before the reports are made public.

**Mr DAVID SHOEBRIDGE (23:17):** We should get a little of the actual timetable that has led to this. In 2016 we had the disastrous, undemocratic forced amalgamations of these two councils and we know now that the Boundaries Commission originally said, "Do not merge Tumbarumba and Tumut. There is a mountain in the middle. They are actually not connected. They are both going their own merry way. Neither of them wants it. It does not make financial or demographic sense. Did I mention there is a mountain in the middle? Do not do this." And the Government said, "We will ignore that and merge them anyhow." Who knows why? No-one can tell. It was a stupid decision. It turns out that it did not work out very well.

**The Hon. Adam Searle:** Who knew?

**Mr DAVID SHOEBRIDGE:** Who would have thought? The residents of Tumbarumba, in particular, who are facing a huge rate increase, have said they are not really interested in it and they want to go back to their own council area. In fact, it was never going to work because the communities did not want it to happen. I have met with the Snowy Valleys Mayor James Hayes. I have a lot of time for him and the team there who have tried to make the thing work. But it was never going to work because half the council do not want to be in it. The people of Tumbarumba have a legitimate reason to not want to be in it. They want to control their own destiny and finances and The Greens support them in that call. As I said, we have a lot of sympathy for the team who are trying to hold the council together, but literally half of their local area wants to go in a separate direction. It was never going to work.

So then what happened? On 4 March 2019 the people of Tumbarumba put together a proposal and handed it to the Minister for Local Government. That was more than two years ago. Then it took, I think, almost another year for the Minister to hand the proposal to the Local Government Boundaries Commission, which in turn took another year to return it to the Minister. Now here we are in April 2021, five years after the disastrous amalgamation. Did I mention that it was not supported by the Local Government Boundaries Commission in the first place? Did I mention that there is a mountain in the middle of the amalgamated council? Now the Government wants to see what the Local Government Boundaries Commission has produced in response. I would have some sympathy for Government members—

**The Hon. Adam Searle:** No, you wouldn't.

**Mr DAVID SHOEBRIDGE:** No, I would. I would have some sympathy for Government members if they had said, "Look, seven days is too short. If you want 14 days, we suggest moving an amendment to ask for 14 days and do it now. We would probably support you on that because it's just a bunch of docs!" Government members should engage in discussions with other MPs in this place. I invite them to move an amendment to say, "We can't do it in seven, we'll have 14, but let's not wait another 2½ years."

**The Hon. ROD ROBERTS (23:20):** On behalf of One Nation, I make a contribution in support of the motion moved by the Leader of the Opposition. Some weeks ago I moved a motion in relation to the forced amalgamation of Cootamundra Shire Council and Gundagai Shire Council. That motion passed the House. Only last week I spoke to Cootamundra-Gundagai Regional Council Mayor Abb McAlister. I asked him whether he had heard anything from the Minister's office. Guess what his reply was? "We have not heard anything." There has been no communication from the Government at all.

Members of those communities are frustrated, so they have turned to us, as their elected representatives, to get something done because the Government has pulled down the shutters on them. The Government has made a terrible mistake in forcibly amalgamating those councils—a bit like it did with the greyhound ban. Regardless of where one sits on the issue, the ban was a mistake. Yet in that instance the Government walked back the policy. It admitted its mistake and got on with it. It is about time the Government fessed up and said, "Okay, we did this with the best of intentions but clearly it has not worked." Every week members sit in the Chamber, those councils spiral further into debt. The despair that this causes local residents must come to an end. If the Government will not come to the table, members of this Chamber will be forced to seek access to documents via Standing Order 52 to apprise ourselves of the true situation and inform members of the public of the situation. One Nation supports the motion.

**The Hon. MICK VEITCH (23:22):** I make a contribution to debate on the motion. I inform the House that I reside in the Snowy Valleys Council area so I have an intimate understanding of issues in the Snowy Valleys. An hour ago I received an email from yet another poor soul in Tumbarumba concerned about the state of their merged council. The Government has offered explanations of the process, time frames and chronology of the amalgamations. The people elected to serve Cootamundra-Gundagai Regional Council and Snowy Valleys Council have a legal obligation under the Act to do their best on behalf of their current council. They are trying to do that but they are hamstrung. If the Government really understood those communities, it would have realised that the amalgamations were never going to work.

During the debate on the previous motion moved by the Hon. Rod Roberts I said that the merger of Cootamundra Shire Council and Harden Shire Council was an example of an amalgamation that would work. They surveyed their communities and found that 97 per cent of residents said, "Okay, if we're going to merge then we'll merge." Rather than look at Cootamundra and Harden, the Government threw that out and merged Cootamundra and Gundagai. It just beggars belief.

I was talking to someone in Cootamundra the other day about the rate rises that are being proposed for those entities and he said to me, "Do you know what it is? These rate rises should be referred to as the Nationals' merger tax." The Nationals merged those entities. The rate rises that are trying to sustain something that is not working are essentially a merger tax. What we need to know now on behalf of the communities involved in the reports is: What did the Local Government Boundaries Commission find out? What is it recommending to the Minister? When will the Minister respond? It is an urgent question to which those communities need a response.

I really feel sorry for the good folk at Tumbarumba, who did not want to be a part of this exercise. It was thrust upon them. They do not want this to continue any longer. They had a close attachment to their council at the time. As Mr David Shoebridge said, the Government should just accept that this did not work. Let us demerge those councils and move on. That is what those communities want, and they want to know what is in those reports. I urge members to support the motion.

**The Hon. SCOTT FARLOW (23:25):** Following the invitation of Mr David Shoebridge, the Government will not oppose the motion.

**The Hon. Damien Tudehope:** Yes, we are.

**The Hon. SCOTT FARLOW:** Sorry, we will oppose the motion. I got my riding instructions there. We will follow Mr David Shoebridge's invitation to amend the motion. I therefore move:

That the question be amended by omitting in paragraph (1) "7 days" and inserting instead "14 days".

**The Hon. ADAM SEARLE (23:26):** In reply: I thank honourable members for their contributions to this lively debate. I am not so sure if I thank Mr David Shoebridge for inviting the amendment to the time frame, but in the spirit of bonhomie and friendship we will accept the amendment from the Government—even though in suggesting the amended time frame Government members are not giving on their side. Usually when one does this kind of backwards and forwards there is a bit of give on the other side, "Amend the time frame and we will drop our opposition."

**Mr David Shoebridge:** Just insert "and also Cootamundra-Gundagai" wherever you see "Snowy Valleys".

**The Hon. ADAM SEARLE:** I do not think so. We will stick with the amendment. We will accept it on this occasion, even though the Government has not met us part way, and hope that the House still endorses the proposal.

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

**Amendment agreed to.**

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

**The House divided.**

Ayes .....22  
Noes ..... 14  
Majority.....8

AYES

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

Graham  
Houssos  
Hurst  
Jackson  
Mookhey  
Moriarty  
Pearson

Primrose  
Roberts  
Searle  
Secord  
Sharpe  
Shoebridge  
Veitch

## NOES

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

## PAIRS

Moselmane

Mitchell

**Motion as amended agreed to.**

*Motions***RACISM NOT WELCOME SIGNS**

**The Hon. PETER PRIMROSE:** I move:

That private members' business item No. 1129 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PETER PRIMROSE (23:37):** I move:

- (1) That this House notes that:
  - (a) the notice of motion No. 1104, standing in my name, was agreed by this House on Wednesday 17 March 2021 that included permanent "Racism Not Welcome" signage; and
  - (b) the notice of motion called on the Leader of the Government and the Leader of the House to initiate steps to have "Racism Not Welcome" signs installed around the parliamentary precinct.
- (2) That this House requests a report from the Leader of the Government and the Leader of the House as to what steps have been taken to have "Racism Not Welcome" signs installed in the parliamentary precinct.
- (3) That this House calls on the Leader of the Government and the Leader of the House to ensure that the "Racism Not Welcome" signs are expeditiously installed.

I sought to move this motion by way of formality. For reasons I still do not understand, the Government objected to that, which is why I am making this short speech. The House may recall that, back on 17 March, the House unanimously resolved to support the motion that I moved which, inter alia, includes:

- (4) That this House commits to being part of the Racism Not Welcome campaign.
- (5) That this House calls on the Leader of the Government and Leader of the House to initiate steps to have "Racism Not Welcome" signs installed around the parliamentary precinct ... That motion was adopted unanimously by this House. The motion I proposed, which we are considering now, simply asked, as per that resolution, for the Leader of the Government and the Leader of the House to advise the House—to give us a report on the progress of that—given that this matter was resolved on 17 March. That is all the request is, and that is what the Government objected to. I simply propose that this matter be considered by the House and that the House adopt the fact that all we are asking for is a progress report on a matter that this House previously resolved to support unanimously.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:40):** This is an embarrassing motion. It is an embarrassment. It is embarrassing for a former President of this place to move this motion. I say that for these reasons: The member is correct in recalling the motion of the House on 17 March. It became a motion agreed to, No. 1104. While the motion did include the House committing itself to being part of the Racism Not Welcome campaign, it did not make any reference to permanent Racism Not Welcome signage. The motion called on the Leader of the Government and me to initiate steps to have Racism Not Welcome signs installed around the parliamentary precinct in connection with the International Day for the Elimination of Racial Discrimination on 21 March.

The Hon. Peter Primrose, who is a former President and the Labor Party's first preference nominee for the recent presidential vacancy, would be well aware that the management of the parliamentary precinct, including questions about the appropriate content, size, appearance, number and location of any signage, is quite properly and exclusively a matter for the Presiding Officers. This is a matter of law. Section 7 of the Parliamentary Precincts Act 1997 provides explicitly that the parliamentary precincts are under the control and management of the Presiding Officers. It states in part, "the Presiding Officers may take any action they consider necessary for the control and management of the Parliamentary precincts."

Accordingly, in response to the motion after consulting with the Leader of the Government I communicated with the then President, the Hon. John Ajaka, respectfully drawing the resolution to his attention, noting that it called on the Leader of the Government and me to initiate certain steps and acknowledging that it was properly a matter for the Presiding Officers to oversee the installation of any signage in the parliamentary precincts, and concluding that we would leave it to his judgement as to how best to give effect to the resolution as a whole.

Part 3 of the motion calls on the Leader of the Government and me to ensure that the Racism Not Welcome signs are expeditiously installed. As we have already taken the steps I have just outlined, and there is nothing further that we could properly undertake in relation to the question of signage around the parliamentary precinct about this campaign or any other topic, it seems that calling on us to ensure that signs are installed in the parliamentary precinct is inviting us to stage a coup against the Presiding Officers. I invite the member to withdraw the motion. I instead encourage the former President and recent nominee for the presidency to raise the matter with the Presiding Officers who, as he well knows, are the only persons able to authorise signage, whether temporary or permanent, within the parliamentary precincts.

**The Hon. PETER PRIMROSE (23:43):** In reply: The Leader of the House has been caught out. He did not read clearly the resolution of this House passed in March. None of the comments he is now making—the slurs and the assertions—were made then. Members on the Government side of the House, like members on the Opposition side of the House and crossbench members, supported the motion unanimously. My simple request in this instance is that he provide a report.

**The Hon. Damien Tudehope:** I did.

**The Hon. PETER PRIMROSE:** We sought that he provide a report.

**The Hon. Damien Tudehope:** I did.

**The Hon. PETER PRIMROSE:** I realise that this may not be particularly important to the Leader of the House, but I can assure him in the light of events that are occurring in the Federal jurisdiction this is a very important matter to many constituents around the community.

**The PRESIDENT:** Order!

**The Hon. PETER PRIMROSE:** For the Leader of the House to suggest that this is a minor matter and the motion should be withdrawn—

**The Hon. Damien Tudehope:** Do it properly.

**The Hon. PETER PRIMROSE:** What? Do it properly? This was a matter that was passed by this House. I am not raising a point of order against this member who, not knowing the procedures of this place, is seeking in his report to make comments about a decision of this House. This House made a unanimous decision. It has been reflected on by the Leader of the House. All that my motion here said was, "Do your job." I am simply asking the member, as per the decision of this House, to tell us what he did.

**The Hon. Damien Tudehope:** I told you.

**The Hon. PETER PRIMROSE:** He is now wiping his hands of it. This matter has been referred to the Presiding Officers.

**The Hon. Damien Tudehope:** Do it properly next time.

**The Hon. PETER PRIMROSE:** Put it to a vote. I say again that he has been caught out. The best he can do is throw slurs around and then reflect on a decision that has already been made by this House.

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

**Motion agreed to.**

#### *Business of the House*

#### **POSTPONEMENT OF BUSINESS**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1164 outside the order of precedence be postponed until a later hour of the sitting.

**Motion agreed to.**

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

That private members' business item No. 1159 outside the order of precedence be postponed until a later hour of the sitting.

**Motion agreed to.***Documents***ALEXANDRIA PARK COMMUNITY SCHOOL****Production of Documents: Order**

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

That private members' business item No. 1065 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (23:47):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2019 in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education relating to Alexandria Park Community School enrolments:

- (a) any document which discloses the projected enrolment of students at Alexandria Park Community School to the 2023 school year;
- (b) the Online Management of School Enrolments and Entitlements [OMSEE] data relating to enrolment figures for Alexandria Park Community School for school years 2015, 2016, 2017, 2018, 2019, 2020 and 2021;
- (c) all documents relating to population growth, or the projected population, in the Alexandria Park Community School catchment to 2023;
- (d) all documents relating to deferring or delaying construction of Level 4 of the Alexandria Park Community School;
- (e) all documents relating to the financial cost of constructing Level 4 of Alexandria Park Community School; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

It is quite self-explanatory. It relates to concerns in the community about the adequacy of the Alexandria public school and its fullness. That is why we are seeking the projected enrolment of students and, of course, the Online Management of School Enrolments and Entitlements data as at different dates as set out in the resolution. We are also seeking documents relating to population growth and projected population in the catchment area and, of course, documents relating to the deferral or the delayed construction of extensions to the Alexandria Park Community School, which goes to concerns that parents and residents have about the adequacy of the school going forward, given actual and future populations of the school. Residents are concerned about these matters. They want to see the data. The local member has been seeking to get the information, unsuccessfully, so we seek the information from the Government through this motion so that these issues can be better ventilated and these documents can inform community discussion about the adequacy of the school and its service to the local community.

**The Hon. NATALIE WARD (23:48):** The Government does not oppose the motion.

**The Hon. COURTNEY HOUSSOS (23:49):** I make a brief contribution at this late hour. I will talk to a few issues regarding the redevelopment that has been proposed at Alexandria Park Community School. I pay tribute to the advocacy of the member for Heffron on this issue. When the redevelopment was first promised, it was promised to the community as a single redevelopment that would occur in an area of Sydney that is experiencing massive population growth. Instead we have seen the community led astray as the redevelopment has been split into two stages at some point, and it is still unclear at what point. The reason we are seeking this information is that it will inform the community about why that decision was made. This is a flawed decision. This is not a decision that the community agrees with or agreed to. They were not told about it at the time of the announcement. There is plenty of documentation that shows that is the case.

This area of Sydney is having some of the highest rates of densification, which is going to happen across Australia. Therefore it is only logical that there needs to be somewhere for children to go to school. Yet, somehow only the Department of Education has the figures which give no requirement to do the full redevelopment until much later. That simply does not pass the pub test. The community knows that something is wrong. The member for Heffron certainly knows that something is wrong. The information obtained through this motion will help us determine why the decision has been made and it will expose why it is so flawed.

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

**Motion agreed to.**

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

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

That private members' business item No. 1158 outside the order of precedence be postponed until a later hour of the sitting.

**Motion agreed to.**

*Motions***YOUNG WOMEN'S LEADERSHIP SEMINAR**

**The Hon. CATHERINE CUSACK:** I move:

That private members' business item No. 1094 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. CATHERINE CUSACK (23:52):** I move:

- (1) That this House notes that:
  - (a) Monday 8 March 2021 was International Women's Day;
  - (b) the Parliament of New South Wales hosted the Young Women's Leadership Seminar which included a keynote address by Professor Rae Cooper from the University of Sydney and a members of Parliament panel discussion with Ms Abigail Boyd, MLC, the Hon. Rose Jackson, MLC, and the Hon. Catherine Cusack, MLC;
  - (c) the event was attended by approximately 45 students from 20 different schools in person and a further 600 students registered online; and
  - (d) the event was held in the Legislative Council Chamber and utilised the available technology so the proceedings could be broadcast for those students who were unable to attend in person, particularly students from regional New South Wales.
- (2) That this House thanks and congratulates:
  - (a) all the students who attended the Young Women's Leadership Seminar in person and online;
  - (b) the teachers and schools for facilitating student attendance; and
  - (c) the Parliament of New South Wales People & Engagement Branch, and in particular Rita Bila, for organising a seamless, engaging and inspiring event for our future female leaders. On Monday 8 March 2021, which was International Women's Day, 635 young women from almost 60 schools across New South Wales took part in New South Wales Parliament's Young Women's Leadership Seminar. The seminar was organised by the Parliament's Communications, Engagement and Education branch and focused on the topic "Women in leadership". This year, for the first time, it was held in this historic Chamber, giving students who attended an unforgettable experience. The program was an opportunity for students to meet community leaders who could speak on personal and professional experiences to help these brilliant young women aspire to leadership roles. This year's seminar had the highest ever attendance for an educational program run by the Parliament.

I especially thank Scott Fuller, the senior program manager from the Parliament's Digital Transformation team, because for the first time the program was live streamed and open to all year 11 students who were interested in roles of leadership in the community across our great State. The online streaming for this event enabled students and their teachers from across the State to participate. In particular, it meant that students from rural and regional New South Wales, who may have otherwise found it difficult to attend, could take part.

I am sure that the Parliament is not the only organisation to find that the experience of COVID last year brought forward and enlivened a whole lot of technology to enable remote participation, whether one was in Surry Hills or in Broken Hill. That access is something that people from rural and regional New South Wales greatly appreciated and got on top of very quickly, and all of us would like its utilisation to continue. It is clear to me that the Parliament embraced the challenge brilliantly. I love to see these technologies being used to improve inclusiveness, particularly among remote and regional students.

Students joined online from schools such as Billabong High School, Moama Anglican Grammar School and Finley High School in the Riverina region; Cessnock High School, Lambton High School, Bishop Tyrrell Anglican College, the Hunter School of the Performing Arts and Newcastle High School in the Hunter region; James Sheahan Catholic High School in Orange; St Paul's Catholic College, Booragul, in Lake Macquarie; Tenterfield High School in New England; Dorrigo High School in the Northern Tablelands; Snowy Mountains Grammar School in Jindabyne; and Toormina High School on the mid North Coast. Regional and rural schools

that joined online from around my own Northern Rivers area included Trinity Catholic College in Lismore and Mullumbimby High School.

**The Hon. Adam Searle:** That is my old high school.

**The Hon. CATHERINE CUSACK:** Is that right? I acknowledge that. Students and their teachers from Wollumbin High School in Murwillumbah and Emmanuel Anglican College in Ballina made the long trip down to attend in person. This year's keynote presenter on the day was Professor Rachel Cooper, Professor of Gender, Work and Employment Relations at Sydney University. In 2019 Professor Cooper received an Order of Australia for contributions to higher education and workplace policy and practice. She is also the co-director of the Women, Work and Leadership Research Group, an editor of the *Journal of Industrial Relations* and a member of the executive committee of the International Labour and Employment Relations Association.

Professor Cooper spoke on women in the workplace, the gender gap, obstacles to gender parity and workplace legislation, an area in which she is an expert. She addressed questions from the students, including how to stop being interrupted by boys in student representative meetings. To this she responded that having more experience gives her the wherewithal to cope and develop strategies to make herself heard at the table. She shared her personal life history, talked about her various leadership positions throughout her life and gave the students valuable advice on how to achieve ambitions and goals. Finally, she offered the students the opportunity to contact her as a future mentor. By all accounts, Professor Cooper's contribution on the day was inspiring and moving for all students. I sincerely thank her for her participation. I joined a panel with other female members of Parliament—*[Time expired.]*

**The Hon. TARA MORIARTY (23:58):** On behalf of the Opposition I support the motion of my colleague the Hon. Catherine Cusack. Monday 8 March 2021 was International Women's Day. In recognition of the day, the Parliament of New South Wales hosted the Young Women's Leadership Seminar, which included a keynote address by Professor Rae Cooper from the University of Sydney and a panel discussion featuring Ms Abigail Boyd, MLC, the Hon. Rose Jackson, MLC, and the Hon. Catherine Cusack. The seminar was a terrific opportunity for young women to hear inspiring stories from female leaders in this place about their experience here and in their respective fields prior to being here, but particularly Professor Rae Cooper's great experience. It was designed to encourage young women to take on leadership roles in their own lives.

**The PRESIDENT:** According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate*

#### ADJOURNMENT

**The PRESIDENT:** I propose:

That this House do now adjourn.

#### COVID-19 AND INDIA

##### HINDUISM

**The Hon. DANIEL MOOKHEY (00:00):** The pandemic has revealed some simple truths: that the health of each of us turns on the health of the person next to us, that this disease is powerful enough to cruel the strongest of nations and that no nation is immune to this virus's power until the power of every nation's people is immune. We are all watching with horror the pictures coming from India. The great sadness of India's loss echoes down onto our own shores, especially into the homes of our Australian-Indian diaspora. It is, therefore, easy to conclude that India is a nation defeated. It is easy to conclude that, but it is wrong, because India is not weak and India is not yet beaten. India's doctors, nurses and health professionals are still at their posts. India's people are still showing each other the force and power of social solidarity during a time of crisis. India is not weak and India is not beaten, because India is a democracy, the world's largest, and in that democracy those in power are always held to account.

Here in Australia we too have saved our lives and our livelihoods by acting collectively. We now carry forth the same spirit to our own job of nation reconstruction. We have lives to rebuild, an economy to restart and, above all, a new prosperity more equal and just to assure. They are all huge and daunting tasks, yet our ambitions come paired with an immense responsibility, which is to help people elsewhere still in the struggle against this virus, be it in the villages of Papua New Guinea or on the islands in the Pacific as they vaccinate their population, or in the hospitals of New Delhi or the clinics of Mumbai, where patients are breathing from an Australian-provided ventilator. We are a good international citizen and we will do our share.

For Australians of Indian origin, now is an especially trying time. Those of us with Australian family members ashore in India must stave off the anxiety caused by the peril they are in after our own government has

forsaken their right to return, threatening them with six years' jail. That decision appears tinged by race, as it is a step we chose not to take against Australians stranded in other countries ravaged just as badly by the same virus. We worry sick about our Indian families. WhatsApp is alive with our anxieties as they play out in our families' group chats. So to my fellow Australians of Indian origin I say, "You might feel powerless, but I remind you we do have power, to help and to pray and ultimately to demand that our own Australian Government treats us just like everybody else." May we never forget we have those powers when this crisis is over.

Australia is the home of a surging Hindu community. I am proud to count myself in its number. It was not always like that. As a child I remember when we had only one mandir, Sri Mandir in Auburn—Australia's first Hindu mandir—to pray to our many gods, to marry in and to discover our faith and to practise our religion as a united community. We have since come ahead leaps and bounds. Just a few weeks ago I had the honour of laying a foundation stone for a new mandir in the fields of Kemp's Creek where the Bochasanwasi Akshar Purushottam Swaminarayan Sanstha [BAPS] faith community is building a temple of immense size—Australia's biggest—one of the biggest BAPS temples in the world.

Recently, I had the chance to meet with some teachers working in our public school classrooms teaching Hindu children about their religion. Teaching Hinduism in New South Wales schools is no easy feat. When I finished my schooling I had never, ever attended a Hindu scripture class. Like many, I spent that time watching episodes of *The Simpsons* in non-scripture, back when *The Simpsons* was still worth watching. I am proud that my kids are spared that wasted time. Today a Hindu child can learn in a New South Wales school that Hinduism as a faith is no less than Christianity, Judaism, Islam, Sikhism or the world's other great religions.

However, at the recent budget estimates hearings an organisation that teaches Hinduism to Hindu children came under scrutiny. The Vishva Hindu Parishad, or VHP, was labelled a militant and far-right Hindu extremist organisation. Any organisation that is active in our schools can be scrutinised in this place, but members who make allegations need evidence. There is no evidence that the VHP in Australia is anything other than a voluntary organisation of men and women who teach Hindu children about their religion. So says the NSW Police Force; so says the Department of Education. The allegations that were made at budget estimates have hurt many people in the Hindu community. I and the Labor Party urge the member who made those allegations to reconsider making such remarks. Budget estimates is there to hold the Government accountable; it is not there to slur a peace-loving community with false allegations.

### FOOD SECURITY

**The Hon. ROD ROBERTS (00:05):** I will speak to a very important issue: food security. We all know that survival requires three basic needs: food, water and shelter. I am no alarmist by any means, but recently I met with leaders from the farming communities of the Riverina, the food bowl of our nation. Those leaders painted a bleak picture for the future of food security in New South Wales. The fact that the issue of food security remains relatively unknown to the majority of the public alarms me. A recent report from the United Nations stated that world food prices rose for the ninth consecutive month in February 2021 to their highest level since 2014. Australia is not immune to that global issue. I was startled to learn that as of March the National Lost Crop Register surpassed \$45 million in lost crop value.

Even a layman like me knows that prices rise when supply is reduced but demand remains the same. A rise in food prices and the resulting hit to the family budget is the last thing that families in New South Wales need. It is fair to say that New South Wales families have not had it this tough since the Second World War. The effects of the recent bushfires, which caused much destruction across our State, are still being felt in our regions. The economic chaos that was caused by the global pandemic and the devastating impacts of the recent floods will only increase the pressure on communities that are already under immense strain. It beggars belief that New South Wales is staring down the barrel of a food shortage. One major contributing factor to that shortage is simply that there is not enough labour. In some cases, fruit has been left unpicked in the fields because farmers cannot get enough workers to pick the produce.

The COVID-19 lockdown has decimated the agricultural workforce. Backpackers have left our shores at an alarming rate. The massive reduction in the number of working holiday-makers and workers from the Pacific Islands has fuelled that labour shortage. Australia usually accommodates around 200,000 working holiday visa holders. That number declined to 50,000 in December 2020 and 44,000 in January 2021. With no backpackers to pick fruit, it is simply being left to rot. And the labour shortage is not confined to horticulture; it extends to other agricultural industries such as shearing. According to a report by Ernst & Young, current projections indicate that the casual labour gap will reach its peak this month. The gap is likely to range between 20,000 to 26,000 roles, which would represent a 36 per cent to 59 per cent labour supply shortage over from November 2020 to June 2021.

A recent report by the Australian Bureau of Agricultural and Resource Economics and Sciences has put that data into terms that we can relate to. It has predicted a spike in fruit and vegetable prices of up to 29 per cent. Fruit prices are expected to rise the most due to the fact that, without pickers, there is no other way to get the fruit off the farm. The peak harvest period for fruit is February, March and April. That means lower than average supply and higher than average fruit prices may not occur until autumn. Despite the doom and gloom, the global pandemic has offered an opportunity to reappraise our supply chains. The massive disruptions over the past year have caused the cost of production to skyrocket and the net effect will hurt the hip pocket of Australian families. I will finish with a warning from David Beasley, the Executive Director of the United Nations World Food Programme. He stated that food security is the next big global catastrophe that is just around the corner.

### CUMBERLAND INTERCHANGE

#### NEWNES STATE FOREST COALMINING

**The Hon. CATHERINE CUSACK (00:09):** On behalf of my community, I speak about the astonishing case of the defective Pacific Motorway bridge at Cumberland. If it were not so serious, it would be worthy of its own episode of *Yes Minister*. Earlier today I met with Minister Paul Toole about the design defects of this important M1 interchange, which is part of the Pacific Motorway about six kilometres north of Ballina and was constructed as part of the 12-kilometre-long Ballina bypass. The critical piece of infrastructure was extremely challenging in terms of the environment and engineering. I repeat: It is a 12-kilometre segment of the motorway and it cost \$640 million to build.

The Cumberland interchange was initially planned with flyover roads, but the final product has underpasses. The result is that the critical interchange, which provides the only road access for a major community during a major rain event, is cut off by floodwaters from Emigrant Creek, trapping at the moment 1,500 people in an estate that, when completed, will be home to 5,000 people. The rapidly evolving community at Cumberland, who have been begging for help for years, feel ignored, abandoned and frustrated. They are mainly first home owners and one-quarter of the population are children. The impact upon property values and investment in people's lives is quite profound. The mistakes of the Cumberland interchange were made when Labor were in office. Let's just say it is an Eric Roozendaal special. I want those errors investigated and I would like to see accountability for the debacle. But as with so many issues, the responsibility to correct the errors falls to us, and I am very appreciative of Minister Toole's engagement on the issue. He has given me genuine hope of a way forward towards a solution.

The second issue I wish to raise concerns about is stage two of Gardens of Stone near Lithgow, which I visited last week in my capacity as a member of the bipartisan Parliamentary Friends of Nature. It was my third visit to Newnes State Forest, which is part of the stage two site. It offers amazing views across the Wolgan Valley and its extraordinary sandstone pagodas. The forest has a ridge that bisects two water catchment areas, including one feeding the Coxs River that carves out the Megalong Valley and feeds Sydney's water supply. I was appalled by what I saw. Half of the ancient swamps that for millions of years have delivered pristine water into the Coxs River have been destroyed by longwall coalmining beneath the surface. Those swamps are formed on sandstone in the valleys of the catchment. They are incredibly complex ecosystems that absorb and filter water.

It is all done for us for free by nature: free filtration of Sydney's drinking water catchment into the Coxs River. Undermining them by longwalls causes the sandstone to crack and, therefore, instead of drizzling across an intact sandstone surface, the water drains through cracks caused by mining. The swamp dehydrates, everything dies and what remains looks like a massive bombsite. If you stand as we did inside the "bombsite", which is now a grey dust cemetery where for millions of years unique plants, insects, birds and animals have thrived, you will feel overwhelmed with feelings of loss, anger and bewilderment as to how it could possibly be legal in 2021.

The swamp was not merely moonscaped and devoid of life; it had physically slumped at least three metres lower than when I visited 11 years ago. It is truly shocking. The water from the catchment now drains through cracks presumably into the void of the disused mine. It becomes toxically polluted with salt and other products; instead of being pristine as nature was doing for us, the water is now toxic. It is pumped into a man-made filtration system that I assume needs to operate forever, although I have no idea how that is even feasible. All of that has been done legally. It is a catastrophic loss.

I believe our moral culpability and responsibility to future generations is huge. Half of those swamps have been destroyed and the simple request is to, please, modify the longwall mining plans to not undermine any more swamps. The Department of Planning, which authorised this outrage, has made mistakes. I do not want to hear anything about offsets because there is no offsetting those losses. I call on the planning Minister, Rob Stokes— [*Time expired.*]

### COVID-19 AND SYDNEY CBD

**The Hon. WALT SECORD (00:14):** As shadow Treasurer, I speak about the recent second Sydney CBD Summit, which was held on 22 April. Firstly, I acknowledge the invitation issued by the New South Wales Government, which I accepted in the spirit of bipartisanship. When COVID hit, the Labor Opposition declared that it would strive to be bipartisan and work with the Government to get New South Wales communities and businesses through these unusual circumstances. We reserved the right to propose and amend, but we put community interests first. Even though I have lived in Australia for almost 33 years, I have many friends and family in Canada, Germany and Israel. They have a different perspective on COVID, which is still a health crisis to them foremost. Nationally, Canada has had 24,300 deaths, compared with 910 in Australia. It has touched every community. Just last month, my spouse's uncle in Toronto died of COVID. In my mother's small, rural, local government area, there have been 41 COVID deaths. In contrast, there have been 54 deaths in the entire State of New South Wales.

That fortunate position means that in New South Wales we can focus on how to stabilise the economic impact of COVID. The CBD summits are a useful contributor to that aim. I reiterate my call that the Opposition would like to see similar gatherings for western Sydney, south-west Sydney, Wollongong, the Hunter and rural and regional areas. Sydney is not the only business district. While the Sydney CBD has been hit, the impact of COVID has touched all parts of the State through job losses and a slowing economy. The first step to building sustained confidence in the economy is to fix the vaccine rollout as soon as possible. We need jabs in arms. It is as simple as that. Countries like Israel, Canada and the United Kingdom have seen a rapid take-up of vaccines. The last thing we need in Australia and New South Wales is for our community's great efforts in dealing with COVID through diligent social distancing to be squandered because not enough of our citizens are vaccinated.

As a parent, grandparent and citizen of New South Wales, I want nothing more than to see economic prosperity and jobs for future generations. It is reassuring to see unemployment reported at 5.4 per cent, although I note that the data was taken before the removal of JobKeeper, so we will find out the real state of the economy when the next set of unemployment data comes out. Overall, 234,400 people are still unemployed in New South Wales, an increase of 36,700 since the start of the pandemic. Official youth unemployment is at 12.4 per cent and 84,100 young people are unemployed in New South Wales. Meanwhile, the New South Wales Treasurer has repeatedly said that our CBD has been hit the hardest, and that it may take a decade to return to previous employment levels. Foot traffic is trending back up, and some workers are returning to their offices, but the State Government can do its part by getting the bureaucrats back. While the option of working from home should remain if necessary, I believe it should be limited to Tuesdays, Wednesdays and Thursdays.

The three- or four-day weekend should not be encouraged. We want workers spending in local shops. That will occur if they are in the CBD. In addition, I would like to see the Berejiklian Government make temporary measures allowing outdoor dining a permanent fixture of our CBD. Pilots in The Rocks and in the Sydney CBD end in a matter of months. I for one would love to see outdoor dining extended to support struggling businesses. There would need to be some adjustments in the long term—for example, Martin Place on memorial days due to proximity to the Cenotaph. But those issues can be managed with good policy and goodwill. Sydney is Australia's only true international city and we should have outdoor dining like they have in Seville, Paris and Tel Aviv in the evening. In those cities we see infants, parents and grandparents with friends interacting, having a wonderful time and spending in their local communities. That would increase foot traffic and stimulate businesses and the economy.

I also believe it is time to relax the social distancing rules on dining, subject to advice from NSW Health authorities. As long as patrons register and continue to sanitise, we should look at relaxing social distancing measures. However, if there are cases, the Government should not hesitate to respond. As always, if there is an increase in cases, we can reassess. New South Wales communities have proven how sensible and adaptive they can be when needed. After all, business and government must work together to find ways to restart the heart of the city. We must make permanent improvements, rather than temporary sugar hits. While those efforts are welcome in the short term, our economic recovery road is a long one and New South Wales communities know that. I thank the House for its consideration.

### FOSSIL FUEL SUBSIDIES

**Mr DAVID SHOEBRIDGE (00:19):** Conservatives proudly proclaim their love of free markets—that is, until the market threatens the profits of fossil fuel corporations and their billionaire owners. As soon as that happens and the corporate profits—together with the political donations that flow from them—are at risk, the Coalition chucks in its belief in free markets, throws it out the window, together with billions of dollars of public money. The use of public money to subsidise coal-fired and gas power stations exacerbates the impacts of climate change. It corrupts public politics, it inappropriately props up a dying industry, and it leaves the public with stranded unprofitable assets. In a report released just last week, the Australia Institute identified how fossil fuel

subsidies will cost Australians a staggering \$10.3 billion this financial year—to put that another way, \$19,686 a minute. It is a sobering thought that by the time I am finished with this speech some fossil fuel billionaire will be almost \$100,000 richer thanks to public subsidies from the Commonwealth Government.

In late 2019 the Federal Coalition promised millions to underwrite gas plants in Gatton in Queensland and Dandenong in Victoria. Without that promise of public subsidies, those projects would never have been economically viable. In September last year the Coalition popped up again and demanded that electricity generators come up with a plan for 1,000 megawatts of what it described as new dispatchable energy in time for the end of 2023 or else the Federal Coalition would "intervene directly in the market". Given that intervention normally comes in the form of free public money handed out to fossil fuel corporations, it is hard to imagine the generators are particularly worried. But the Federal Coalition then said that if no private sector project was put forward before 30 April 2021, it would build a gas-fired power station with public funds. Indeed, as part of its huffing and puffing, the Federal Government has tasked Snowy Hydro Limited with drawing up plans for a gas generator in the Hunter Valley at Kurri Kurri. It is yet another project that the private sector will not build.

This week the New South Wales Government joined in and has just committed \$83 million towards the Tallawarra B gas-fired power station that will sit alongside the company's existing 435-megawatt gas plant. The environmental claims for the plant primarily rest on the purchase of carbon credits and other discredited environmental accounting. The "gas-led recovery" is just another smoke screen behind which public money is funnelled into the pockets of fossil fuel billionaires. The pathetic justification for all of this is a Sky News culture war designed to preserve those dying industries in the face of fact, science, the global politics of climate action and even the Coalition's own former belief in the market.

Funding the gas-fired power stations that the market will not build by itself is economically and environmentally indefensible. That money should be put into the renewable revolution and building publicly owned renewable energy and storage for the long-term prosperity and energy security of the people in New South Wales. Gas is not a transition fuel. It is a twentieth century solution to a twenty-first century problem. It is a final trick up the sleeve of the increasingly desperate politicians who are literally bought and sold by the fossil fuel lobby. As Adam Bandt said, "Renewables are getting cheaper and gas keeps getting more expensive, so Scott Morrison's plan to tie Australia to gas is just a plan to throw public money at his mates in the gas industry."

**The Hon. Shayne Mallard:** Oh!

**The Hon. Scott Farlow:** Senate!

**Mr DAVID SHOEBRIDGE:** I hear the Coalition complaints even in this Chamber. With renewables and storage now the only energy systems that the market will invest in, the fossil fuel industry is relying on rent-seeking and public subsidies to stay in business. To its eternal shame, the Coalition has shown it is willing to betray the future. It is willing to betray the planet. It is willing to even betray its own pretend principles and belief in the market to help its fossil fuel mates get their way. The good news is that the public is getting wise to this rubbish. Fossil fuels and fossil politicians are all on borrowed time because the future is clean, it is green and it is renewable.

## WESTERN SYDNEY

**The Hon. SHAYNE MALLARD (00:24):** I was inspired to speak in my adjournment speech tonight about the transformation of western Sydney after reading an article in *The Daily Telegraph* by journalist Lachlan Leeming titled "How city's west has won. Region's stunning growth captured in landmark study". The article begins:

It was once considered the problem child of Sydney. Rundown, neglected and plain-old forgotten, the city's west—and its many faces stretching from the foot of the Blue Mountains to the outer edges of the inner west—was viewed as the cause, not the shining solution, of many of Sydney's issues. No longer.

The article continues:

With unprecedented billions flowing into the area, an airport which promises to link it directly with the rest of the world, and a cultural and educational revolution under way, Western Sydney stands poised to usher in a decade of growth which will completely alter the face of the entire state.

I can attest to this. As members in this House will know, I grew up in Penrith where the Sydney CBD was a long train ride away. Many in a similar position to me had no choice but to travel to the city for work each day, for education, to have access to the airport to travel overseas, or to visit arts and cultural institutions. But no more. The Berejiklian Government has the transformation of western Sydney at the forefront of our mind. No longer do western Sydney residents have to travel into the Sydney CBD for work or play—they will have it right in their backyard, with the three cities 30 minutes away. They now have the same opportunities those living in Sydney have always had, as well as equal investment in infrastructure to their region.

Not only are we investing in the western Sydney of today, we are investing in the western Sydney of the future. Those investments are not planned to operate for merely 10, 20 or 30 years; they are planned to operate for generations to come, creating intergenerational wealth. As I have only limited time tonight and it would take me many hours to detail all of the infrastructure investment in western Sydney, which we have heard about regularly in the House, I take this opportunity to remind those opposite of what the Government is delivering in that region. Some of the highlights include transport infrastructure, with the \$2.4 billion Parramatta light rail already nearing completion; the Sydney Metro West; the Blue Mountains intercity train fleet; and the train line upgrade. In roads infrastructure \$4.1 billion has been committed for the Western Sydney Infrastructure Plan, which is jointly funded by the Berejiklian and Morrison governments. For the Great Western Highway upgrade, \$2 billion has been invested in the Katoomba to Lithgow section and maybe up to \$8 billion for the new tunnel proposal.

**The Hon. Sam Farraway:** Hear, hear!

**The Hon. SHAYNE MALLARD:** I hear the Hon. Sam Farraway, who works with the Minister and me on that project. It is a very exciting project that will really change the central west of New South Wales. In arts and culture, there is the much-lamented-by-the-other-side Powerhouse Museum at Parramatta—a cultural institution to be proud of. In health, which is one of the areas I am most proud of, \$1 billion has been committed to the redevelopment of Nepean Hospital, where I was born, attracting as a stimulus other private investment around the hospital. Only the other day I turned the sod for a new \$100 million private hospital across the road from the Nepean Hospital, which will add economy of scale to the hospital.

There is also the Rouse Hill Hospital development project, more than \$1 billion is committed to the Westmead Hospital and \$700 million and more to the Liverpool Hospital. The Western Parkland City and the aerotropolis have attracted already over \$20 billion in investment commitments. This is not even a detailed list. I could go on for hours and hours about the Government's investments in and commitment to western Sydney. And what do the residents of western Sydney think about this investment? According to Christopher Brown, the founding Chair of the regional think tank Western Sydney Leadership Dialogue, the region's changed face in five years has ushered in a new level of aspiration for residents. He stated:

Western Sydney is now Sydney's solution, not its problem ... Five years ago your aspiration was to get home from the train station safely. Now it's the solution to growth, to health ... why can't the cure from cancer come from Western Sydney?

I echo this sentiment. The opportunities for western Sydney are endless and I am very proud to be a member of a government that believes in and is delivering on the potential of western Sydney.

**The PRESIDENT:** The House now stands adjourned.

**The House adjourned at 00:30 until Thursday 6 May 2021 at 10:00.**