



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 6 May 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 6 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

ASBESTOS DISEASES RESEARCH INSTITUTE

The Hon. DANIEL MOOKHEY (10:02): I move:

- (1) That this House notes that:
 - (a) on 23 February 2021, the Concord-based Asbestos Diseases Research Institute, in a world first, was designated by the World Health Organization as the only Collaborating Centre for the Elimination of Asbestos Related Diseases; and
 - (b) as a World Health Organization collaborating centre, the Asbestos Diseases Research Institute will be responsible for research, education and advocacy to help prevent the death of 230,000 people around the world from deadly diseases including mesothelioma, asbestosis and other asbestos-related diseases.
- (2) That this House congratulates the skilled and dedicated staff, led by Institute Director Professor Ken Takahashi, on their efforts to curb asbestos-related diseases and for showcasing the great talent in New South Wales on the international stage.
- (3) That this House wishes the Asbestos Diseases Research Institute luck in its collaboration with the World Health Organization.

Motion agreed to.

Documents

REVENUE NSW

Tabling of Report of Independent Legal Arbitrator

The Hon. DANIEL MOOKHEY (10:03): I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 27 April 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the Revenue NSW investigations be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Motion agreed to.

Motions

FRENCH LANGUAGE DAY

The Hon. NATALIE WARD (10:03): I move:

- (1) That this House notes that:
 - (a) 20 March 2021 was French Language Day;
 - (b) the United Nations established French Language Day in 2010 to recognise French as one of its six official languages;
 - (c) French is the official language in 29 countries encompassing approximately 280 million people;
 - (d) according to 2016 Census data, based on place of usual residence, Killarney Heights on Sydney's northern beaches is the top French-speaking suburb in New South Wales, with 5.6 per cent of residents speaking French; and
 - (e) on 4 August 2020 the Fifty-Seventh Parliament of New South Wales established the Parliamentary Friends of France.
- (2) That this House acknowledges and thanks the French-speaking residents of New South Wales for their contribution to our thriving multicultural community.

Motion agreed to.

WOMEN IN EXCELLENCE AWARDS

The Hon. LOU AMATO (10:04): I move:

- (1) That this House notes that:
 - (a) on Saturday 13 March 2021 the Women in Excellence Awards was held at the Manor Menangle Park Country Club;
 - (b) the event was hosted by the Wollondilly Women in Business Network; and
 - (c) the event was sponsored by:
 - (i) Wollondilly Shire Council;
 - (ii) Coutts Lawyers & Conveyancers; and
 - (iii) Right to Drive.
- (2) That this House acknowledges the following organisers of the Women in Excellence Awards:
 - (a) Michelle Legg, Founder and Chair;
 - (b) Tina Meyer, VP;
 - (c) Brooke Hilton, Secretary;
 - (d) Kirsti Reynolds, Marketing; and
 - (e) Amanda Dennis, Annual Events.
- (3) That this House congratulates the following award recipients:
 - (a) Outstanding Young Entrepreneur Award—Melissa Owen Doughty, CEO of One and Proprietor of The Best Recruit;
 - (b) TKR Consulting Business Start-Up Award—Annie Hughes, The Cake Singer;
 - (c) Outstanding Employee Award—Naomi Williams, Tahmoor Garden Centre;
 - (d) Best Wollondilly Business Award—Kirsti Reynolds, TKR Consulting;
 - (e) Warrior for Change Award—Mali Dillon;
 - (f) Community Patron Award—Debra Monte, Appin Chamber of Commerce and Appin Community Hub;
 - (g) The Diamond Award—Kerrie O'Grady, President Picton District Branch CWA;
 - (h) Inspiring and Outstanding Leader Award—Dr Anna Pham, Picton Family Medical Centre;
 - (i) People's Choice Award—Michelle Legg, Wollondilly Women in Business Network; and
 - (j) Wollondilly Woman of the Year—Dr Anna Pham, Picton Family Medical Centre.

Motion agreed to.

Documents

DAM INFRASTRUCTURE**Tabling of Documents Reported to be Not Privileged**

Mr JUSTIN FIELD (10:04): I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on papers regarding dam infrastructure projects, dated 19 March 2021, this House orders that the following documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk:
 - (a) WaterNSW documents numbered MRR001, MRR003 to MRR050 received by the Clerk on Wednesday 2 September 2020;
 - (b) Department of Planning, Industry and Environment document numbered DPIE.DI.21 received by the Clerk on Wednesday 2 September 2020; and
 - (c) redacted versions of documents numbered DPIE.DI.19 and MRR002.
- (2) That this House orders the Department of Premier and Cabinet to produce, within seven days of the date of passing of this resolution, versions of the documents referred to in paragraph 1 (c) with the telephone number of the Jacobs employee redacted.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

*Committees***SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES****Establishment, Membership, Chair and Deputy Chair**

The Hon. ADAM SEARLE (10:05): I seek leave to amend private members' business item No. 1172 outside the order of precedence for today of which I have given notice by inserting after paragraph (1) (a) (v):

- (vi) the operational arrangements in support of the Coroner's Court with the NSW Police Force and the Ministry of Health;

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

- (1) That a select committee be established to inquire into and report on the coronial jurisdiction in New South Wales, and in particular:
 - (a) the law, practice and operation of the Coroner's Court of NSW, including:
 - (i) the scope and limits of its jurisdiction;
 - (ii) the adequacy of its resources;
 - (iii) the timeliness of its decisions;
 - (iv) the outcomes of recommendations made, including the mechanisms for oversighting whether recommendations are implemented;
 - (v) the ability of the court to respond to the needs of culturally and linguistically diverse and First Nations families and communities; and
 - (vi) the operational arrangements in support of the Coroner's Court with the NSW Police Force and the Ministry of Health;
 - (b) whether, having regard to coronial law, practice and operation in other Australian and relevant overseas jurisdictions, any changes to the coronial jurisdiction in New South Wales are desirable or necessary;
 - (c) the most appropriate institutional arrangements for the coronial jurisdiction in New South Wales, including whether it should be a standalone court, an autonomous division of the Local Court, or some other arrangement; and
 - (d) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee have the same membership as the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, comprising:
 - (a) two Government members, being the Hon. Trevor Khan, MLC, and the Hon. Natalie Ward, MLC;
 - (b) two Opposition members, being the Hon. Adam Searle, MLC, and the Hon. Penny Sharpe, MLC; and
 - (c) two crossbench members, one from The Greens and one from another crossbench party, being Mr David Shoebridge, MLC, and the Hon. Rod Roberts, MLC.
- (3) That the Chair of the committee be the Hon. Adam Searle, MLC, and the Deputy Chair be Mr David Shoebridge, MLC.
- (4) That, unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the chair to convene a meeting to resolve any disagreement;
 - (c) the sequence of questions to be asked at hearings alternate between Opposition, crossbench and Government members, in that order, with equal time allocated to each;
 - (d) transcripts of evidence taken at public hearings are to be published;
 - (e) supplementary questions are to be lodged with the committee clerk within two days (excluding Saturday and Sunday) following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
 - (f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
- (5) That the committee report by the end of December 2021.

Motion agreed to.

*Motions***ADENOMYOSIS AWARENESS MONTH**

The Hon. EMMA HURST (10:06): I move:

- (1) That this House notes that:
 - (a) April was Adenomyosis Awareness Month;
 - (b) adenomyosis is a condition caused by the presence of endometrial glands within the tissues in the muscle of the uterus, leading to swelling and intense pain;
 - (c) adenomyosis is often described as the "evil sister" of endometriosis because it has even more debilitating symptoms, even less recognition and understanding, and is even more likely to be a "missed" diagnosis for many women;
 - (d) in Australia, Medicare rebates are not available for an MRI diagnosis of adenomyosis, despite it being the most reliable diagnostic test; and
 - (e) this can cause delays or even prevent women from obtaining a diagnosis and treatment for adenomyosis due to the cost associated with paying for an MRI out of pocket.
- (2) That this House calls on the New South Wales and Federal governments to promote greater awareness of and education on adenomyosis.
- (3) That this House calls on the Federal Government to ensure women are able to access MRI testing for this debilitating condition through Medicare.

Motion agreed to.

*Documents***REVENUE NSW****Report of Independent Legal Arbiter**

The CLERK: According to the resolution of the House this day, I table the interim report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 27 April 2021, on the disputed claim of privilege on documents relating to Revenue NSW investigations.

DAM INFRASTRUCTURE**Tabling of Documents Reported to be Not Privileged**

The CLERK: According to the resolution of the House this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 19 March 2021, on the disputed claim of privilege on papers relating to dam infrastructure projects.

*Petitions***PETITIONS RECEIVED****Native Forest Logging**

Petition requesting the Legislative Council to end all logging in public native forests in New South Wales and ensure that publicly owned native forests are managed for their environmental values, and to provide sustainable jobs and tourist drawcards for the regions, received from **Mr David Shoebridge**.

*Members***LEGISLATIVE COUNCIL VACANCY**

The PRESIDENT: Before I leave the chair, I advise members that this joint sitting will be the first held under the current COVID-safe arrangements. A limited number of members will be able to be present in the Chamber. The map provided to the Whips reflects that reduced attendance. I shall now leave the chair for the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

[The President left the chair at 10:11]

*Joint Sitting***ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL**

The two Houses met in the Legislative Council Chamber at 10:36 to elect a member of the Legislative Council in the place of the Hon. John George Ajaka.

The PRESIDENT: I declare the joint sitting open and call upon the Clerk of the Parliaments to read the message from the Governor convening the joint sitting.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

The PRESIDENT: I welcome the Premier, the Leader of the Opposition and all members to this COVID-safe joint sitting in the Legislative Council, the first and oldest legislative body in Australia. I remind all members of the importance of maintaining appropriate standards of behaviour at all times. Rules of conduct for this joint sitting have been circulated. I emphasise that under these rules the standing orders of the Legislative Council apply during these proceedings.

I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. John George Ajaka.

Ms GLADYS BEREJIKLIAN: I propose Mr Peter John Poulos as an eligible person to fill the vacant seat of the Hon. John George Ajaka in the Legislative Council, for which purpose this joint sitting was convened. I move that Mr Peter John Poulos be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. John George Ajaka. I indicate to the joint sitting that if Mr Peter John Poulos were a member of the Legislative Council he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party—the Liberal Party of Australia, New South Wales Division—as John George Ajaka was publicly recognised by as being an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the eleventh periodic Council election held on 28 March 2015. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:39): I second the motion.

The PRESIDENT: Does any member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Mr Peter John Poulos is elected as a member of the Legislative Council to fill the seat vacated by the Hon. John George Ajaka. I declare the joint sitting closed. The joint sitting closed at 10:40.

[The House resumed at 11:04.]

Members

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce that at a joint sitting this day Mr Peter John Poulos was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. John George Ajaka. I table the minutes of the proceedings of the joint sitting.

The Hon. DAMIEN TUDEHOPE: I move:

That the document be printed.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That the President inform Her Excellency the Governor that Mr Peter John Poulos has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. John Ajaka.

Motion agreed to.

Disallowance

WATER MANAGEMENT (GENERAL) AMENDMENT (FLOODPLAIN HARVESTING ACCESS LICENCES) REGULATION 2021

WATER MANAGEMENT (GENERAL) AMENDMENT (EXEMPTION FOR RAINFALL RUN-OFF COLLECTION) REGULATION 2021

WATER MANAGEMENT (GENERAL) AMENDMENT (FLOODPLAIN HARVESTING MEASUREMENT) REGULATION 2021

The PRESIDENT: According to standing order the question is: That the motion of Mr Justin Field proceed as business of the House.

Question resolved in the affirmative.

Mr JUSTIN FIELD: I move:

That the matter proceed forthwith.

Motion agreed to.

Mr JUSTIN FIELD (11:06): I move:

- (1) That, under section 41 of the Interpretation Act 1987, this House disallows the Water Management (General) Amendment (Floodplain Harvesting Access Licences) Regulation 2021, published on the NSW legislation website on 30 April 2021.
- (2) That, under section 41 of the Interpretation Act 1987, this House disallows the Water Management (General) Amendment (Exemption for Rainfall Run-off Collection) Regulation 2021, published on the NSW legislation website on 30 April 2021.
- (3) That, under section 41 of the Interpretation Act 1987, this House disallows the Water Management (General) Amendment (Floodplain Harvesting Measurement) Regulation 2021, published on the NSW legislation website on 30 April 2021.

I move this motion for one simple reason: The water management framework proposed by the New South Wales Government through its regulations will enable the issuing of billions of dollars of floodplain harvesting licences providing access to billions of litres of water yet will offer no guarantee that the needs of downstream communities and the environment will be met. That is unacceptable to me and I hope by the end of the debate that it will be unacceptable to other members. There needs to be an agreement on a regulatory framework for the issuing and management of floodplain harvesting and floodplain water in New South Wales. As important as the mechanism for issuing licences, agreeing on the modelling that informs the number that will be issued and how that take is ultimately measured, the operational rules for when floodplain water can and cannot be taken and how it contributes to the needs of downstream communities and the protection of the environment are far more important. Those rules are not settled and while uncertainty remains around them, it is difficult for members to sign off on a regulatory framework that enables the issuing of floodplain harvesting access licences and formalises the practice of floodplain harvesting.

I am not prepared to take on trust that the rules the Government will put in place that regulate how licensees operate during a flood will deliver on the priorities set out in the New South Wales Water Management Act. I want to see those rules laid out before the Parliament and signed off in the licensing scheme. I want to see a system of interim downstream targets adopted into water sharing plans with a legislated commitment to establish long-term targets. Rules that enable unlimited carryover of entitlements and 500 per cent take in any one year are unacceptable. Clarity is needed on the removal of structures that will not be licensed and certainty is needed around how changes to inflows as a result of climate change will be addressed in reducing allocations. The end-of-tributary and end-of-system targets established in the water sharing plans will go a long way towards addressing the inevitable uncertainties with that type of reform and ultimately reduce the degree to which the environment and downstream communities carry the risk if we get the details wrong.

Ultimately something like this is necessary to ensure transparency in the day-to-day and event-to-event decision-making around the management of our rivers. It will deliver certainty for floodplain harvesters and other water licence holders across both the northern and southern basins and other communities, including Indigenous communities. The system of allocating water should be fair and it should be compliant with the law in New South Wales. The report last year to the ICAC into the management of water tells us all we need to know about the history of The Nationals and water managers in New South Wales, why we should be very cautious about giving the Government a blank cheque and why we should demand those rules are in place before the framework is agreed. The ICAC's findings were summarised in a media release when the report was issued. I encourage all members and interested members of the public to read the report in full. The ICAC found that:

Evidence established that certain decisions and approaches taken by the New South Wales government department with responsibility for water management over the last decade were inconsistent with the object, principles and duties of the Water Management Act 2000 and failed to give effect to legislated priorities for water sharing.

The Hon. Damien Tudehope: Point of order: I am interested in this debate and there is too much audible conversation in the Chamber to hear the member's contribution.

The PRESIDENT: Members will remain silent.

Mr JUSTIN FIELD: The report further explained that:

The commencement of the Water Management Act 2000 nearly two decades ago was aimed at providing a pivotal legislative mechanism for protecting and managing water in New South Wales. During the period of this investigation, however, the mandated priorities of the Water Management Act were undermined due to the repeated tendency on the part of the New South Wales Government's water agencies to adopt an approach to water management that was unduly focused on the interests of the irrigation industry.

The ICAC summarised:

The irrigator-focus of the Department of Primary Industries was entrenched in its approach to stakeholder consultation which focused on the irrigation industry while restricting information available to other stakeholders such as environmental agencies. As a result the policy-making process became vulnerable to improper favouritism as environmental perspectives were sidelined from policy discussions.

The ICAC report looks specifically at changes made to the Barwon-Darling water sharing plan in 2012. I use that as a case study here to illustrate why it is not just about the licences that will be issued but about the rules that establish how those licences are used. Those rules ultimately make the difference for downstream communities and the environment. In that case it was not the licences that were changed—more were not issued—but the rules were changed so that more water could be taken under those licences at critical times. It was dramatically increased, particularly during periods of low flows where those flows were of critical importance to downstream communities and the environment.

Pump sizes were increased and the rates of extraction were increased. Even though the take was still within limits and licences, the Natural Resources Commission pointed to those rules as ultimately having an impact on the Barwon-Darling River. It described the river as "an ecosystem in crisis" and said the system had been pushed into drought three years earlier than it otherwise would have been had those changes not been made. The ICAC concluded:

The finalised Barwon Darling water sharing plan represented not just a missed opportunity to reset the rules for water sharing as between the environment and irrigation in the Barwon Darling, in its codification of current arrangements it allowed extraction by water users to prejudice protection of the environment and basic landholder rights in a number of aspects in an inversion of the Water Management Act's legislated water sharing priorities.

The case of the Barwon-Darling is a warning of what can go wrong if we do not get the rules right. This debate is only in part a debate about the technical details in the regulations. Whilst I have many specific technical concerns, it is not the regulations that are offensive to those values outlined in the Water Management Act; it is ultimately what they will enable in what has become an environment of distrust with a history of privileged access and beneficial treatment to one group of stakeholders over another. That is why this House should not let this framework come into place before those rules are settled and we have a shared understanding of a statutory process to ensure those rules are settled equitably.

I have heard the arguments of some irrigators that this will stop licences being reduced to ensure that all take is within the planned cap or will force the Government to reduce other licences to stay within the cap. I do not necessarily agree with that argument, as the Government has other tools available to it to prevent this type of take to ensure the balance with other licences is not up-ended while we find consensus. But the suggestion by some in the irrigation community that if these regulations are disallowed floodplain harvesters will be able to harvest unconstrained, without regard for cap or sustainable diversion limits, only further erodes the social licence for their industry. To do so would be well outside both the spirit and operation of the law.

I say to all the other water licence holders that they should work with the members of the upper House to find a point of consensus and not associate themselves with those threats to steal the shared resource that is so important to so many. It is absurd that a relatively small group of landholders—fewer than 1,000 would ultimately hold these licences—would try to hold to ransom this industry and the river communities when it is acknowledged that take has grown above the cap and the limits laid out in the basin plan. They have done that. It is unconscionable that this has been allowed to go on for so long, but we have to get the fix right. I note there are others, including the peak body, who have demonstrated much more good faith in the discussions to date. I appreciate that and I hope we can continue to work together.

I want to say a few words about legal advice. There has been a lot of talk about legal advice as it relates to floodplain harvesting. Legal advice is thrown around all over the place. It was thrown around in the regulation committee inquiry we had. The Irrigators' Council sent a letter to all members of Parliament with new legal advice dated 4 May. That letter states:

NSW Irrigators Council legal advice is unequivocal. Disallowing the regulations to reduce licences and measure floodplain harvesting means continued uncontrolled and unlimited floodplain harvesting that is not subject to rules or metering obligations.

I must say I have seen a lot of so-called "unequivocal" advice on this issue. We all need to be very careful. It was a key point of discussion in the regulation committee. We heard from some witnesses that their legal advice was 180 degrees opposite to the advice circulated by the Irrigators' Council. I am cautious about anyone circulating their so-called "unequivocal" advice in such murky legal terrain as water management in New South Wales. With so much legal advice being used to justify various arguments, it is frustrating to me that this debate is happening in the absence of the legal advice upon which the Government is relying in its regulatory approach. The Minister provided the Crown Solicitor's advice to the regulation committee last year in regard to the exemption regulation.

When, in the subsequent call for papers, we saw the questions asked to obtain that advice, it became clear that it was narrow and deliberately constrained. Some may say it was deliberately tailored by the Government to

fit a media narrative rather than to inform this debate. That is disappointing. Members of the Legislative Council are in a privileged position to have access to additional advice due to a call for papers return on 20 November 2020. I encourage those members who are interested to go up to the Clerk's office and look at the privileged documents returned at that time and specifically read the following documents:

DPIE.FPH.288 Email: Sensitive: legal - Consequences of disallowance of regulation providing exemptions relating to floodplain harvesting (LEX 14903) dated 24 September 2020

DPIE.FPH.543 MO Brief - Disallowance motion on Floodplain Harvesting FPH.DOCX

DPIE.FPH.544 Attachment A Advice to DPIE - Legality of floodplain harvesting - 2 October 2020.PDF dated 9 October 2020

DPIE.FPH.554 Advice to DPIE - Legality of floodplain harvesting 2 October 2020.PDF - dated 2 October 2020

DPIE.FPH.641 Advice to NRAR - Legality of Floodplain Harvesting - revised version - 9 October 2020.PDF - dated 9 October 2020

I can provide the full details of those documents to members. In my view those documents should be available to the public to help them inform this debate. I urge the Government to make the documents public. If it does not I will undertake to dispute the claim of privilege over those documents to try to get them released. This is not a court and most of us are not lawyers. We are politicians who have responsibility to the people of New South Wales to reflect our shared values in the decisions we make in this place. The shared values I expect to be expressed in this debate today by the majority of members are that we should have living rivers and that there should be fairness and transparency in the rules and decision-making about the allocation of water in New South Wales.

Often what happens in this debate is that those interested in the status quo—those who have the ear of the regulator and the Government—use complex terms, obscure legal arguments and baffle with bullshit. In part it is to make it hard for the average person to engage, to make people doubt their gut feelings about what they think and know is right, to make them think it is too complex to have a say without opening themselves up to criticism. Ultimately, this is very simple: We cannot allow one small group of people—literally fewer than 1,000 potential licence holders—to hold our rivers, wetlands and downstream river communities hostage.

The Hon. Taylor Martin: Point of order: I believe unparliamentary language was used. I ask the member to withdraw it.

Mr JUSTIN FIELD: To the point of order: I think the term "baffle with bullshit" is quite well understood to refer to a particular approach to engaging in public debate. I am not sure that it can be conceived as unparliamentary.

The Hon. Natasha Maclaren-Jones: We have to maintain the standard.

Mr JUSTIN FIELD: Hello! Are we talking about standards this week, are we?

The PRESIDENT: Order! I ask the member to desist from using such language in the future.

Mr JUSTIN FIELD: Thank you, Mr President. I will of course adhere to your ruling. Ultimately this is very simple: We cannot allow one group of people—literally fewer than 1,000 potential licence holders—to hold our rivers, wetlands and downstream river communities hostage. There cannot be full dams in the north while communities downstream and the environment have to wait for what is left. That is not fair. The decisions have not been transparent and that kind of approach is not acceptable to me and, I hope, is not acceptable to this House.

But having said all that, I want a regulatory system in place—a system of licensing that can provide certainty and transparency to licence holders, not just for floodplain harvesting but for other access licences of downstream communities, and the environment. The Government has engaged to some degree in good faith negotiations that it has walked away from. I am prepared to re-enter those negotiations. I say that to the Government, to the irrigators, to the community and to all the other stakeholders who have been engaged in this debate over the past couple of years. I commend the motion of disallowance to the House but I do not think this is the end of the process. We are merely halfway. But we need to get this done and give all communities some certainty for the future.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:21): The Government very strongly opposes this motion for disallowance. On 30 April 2021 the New South Wales Government gazetted three regulations to enable the licensing and metering of floodplain harvesting. The benefits of this regulation are twofold: first, the right to farm implications and, second, the environmental benefits of regulating this activity. The guiding principle of this policy has always been "if you can't measure it, you can't manage it" and you see by measuring and managing that the environmental benefits are improved. In this place we often speak about the unholy alliance between the Shooters and The Greens—on this regulation we expected them to vote together, but we thought they would vote in support of it.

The farmers benefit from this regulation by finally having legal certainty around their operations that have occurred for generations and improved right to farm protections. There are also environmental benefits. Those benefits are seen through a net reduction in take that farmers are allowed to utilise. In fact, on average, 50 gigalitres will be returned to the Gwydir flood plain to deliver significant improvements for native vegetation, water birds and native fish in the internationally recognised Gwydir Wetlands. And in the case of the New South Wales Border Rivers Valley, we expect a 46 per cent improvement in water needs for native vegetation, and a 30 per cent increase in the days with surface flow. This is a massive reform in both scale and complexity and is the culmination of two decades of work—from the first conversations with water users across the State, to data collection and analysis, comprehensive modelling of river valleys using cutting edge technology, independent reviews, widespread public and stakeholder consultation and the drafting of regulations to give the licensing and measurement scheme legal effect.

We often see Standing Order 52s and requests for information regarding the modelling—most recently yesterday—so people can see the facts about what we as a Government are doing. But once they see the facts and they do not meet their narrative, they quickly go back to the conspiracy. In fact we shared the data with a number of environmental groups, such as Professor Richard Kingsford, Dr Celine Steinfeld and Dr Eytan Rocheta from the Wentworth Group and Dr Emma Carmody from the Environmental Defenders Office. I am told that the Minister's office spent two days going through all of it with them, so there is no excuse for ignorance anymore. But, unfortunately, some people just do not like the facts. Ultimately, when a person is elected to Parliament spruiking a platform that northern irrigators steal 3,000 gigalitres of water, it is confronting when the person hears that the correct number used by northern irrigators is in fact between 250 gigalitres and 300 gigalitres.

Historically, floodplain harvesting was an unlicensed and unmonitored activity in New South Wales. In 2013 our Government introduced the floodplain harvesting policy to return water drawn from flood plains to legal limits set out in New South Wales water sharing plans and the basin plan. This policy was developed following extensive stakeholder consultation with two draft policy versions placed on public exhibition by the Labor Party in 2008 and 2010, and many targeted stakeholder consultation sessions were held across the State. So finally, after the New South Wales Government has spent six years and more than \$15 million on collecting and analysing data from field inspections, remote sensing, metering and river flow records, ensuring the best available science informs this groundbreaking reform, the regulations were first introduced last year. As we all recall it was then disallowed, with a number of excuses given.

I know that our Government and the Minister's office has used the time since to meet a long list of demands—including improved modelling and tightening the 2008 eligibility time frame for eligible works—and brought volumes right back to 1994 levels to dispel the myth that activity and take have increased significantly. Our Government is proud of these regulations. Our Government is making this State safer and stronger by limiting floodplain water take to legal limits through measurement and licensing. Water will be returned to flood plains, rivers and creeks in the five northern valleys of New South Wales and enhance the environmental assets of the Murray-Darling Basin. We are proud of this regulation as it is not just a right to farm initiative; it also assists the environment. The vote on today's regulation is clean-cut: A vote to improve transparency and management of our river systems, or a vote to further entrench the divisive politics that have plagued our State for decades.

The Hon. ROBERT BORSACK (11:26): Mr President—

The Hon. Penny Sharpe: Point of order: I know that this is a very contentious debate and that there are some members of the Government who are continually interjecting across the Chamber during this debate. Mr President, I ask you to remind all members that everyone should be heard in silence. The Opposition understands that this is a contentious debate but constantly interjecting on people is not helpful.

The Hon. Wes Fang: Defending The Greens is great.

The Hon. Penny Sharpe: There be my point.

The PRESIDENT: Order! Members are well aware that interjections are disorderly. I would ask them to exercise some restraint. I am prepared to exercise some flexibility, but at the end of the day if members continually interject they will be brought to account and called to order.

The Hon. ROBERT BORSACK: The Shooters, Fishers and Farmers Party has no problem with trying to properly regulate the northern and southern basins of the Murray-Darling. What we have a problem with is a Nationals member holding the Water portfolio. The Nationals have consistently proven that they are fundamentally incapable of negotiating fair outcomes regarding the Murray-Darling—and, what is more, they have proven that they are deeply incapable of negotiating any equitable outcome for any water-based issue. The Nationals have failed the Water portfolio. Make no mistake: the drama The Nationals are creating over floodplain

harvesting has allowed Minister Pavey to get away with the inconceivable neglect of rural and regional irrigation communities.

The Hon. Sarah Mitchell: Point of order: In the Hon. Robert Borsak's contribution, he is very clearly reflecting on the Minister for Water, Property and Housing and he should not do so.

The Hon. ROBERT BORSAK: To the point of order: How can I possibly be involved in this debate and not reflect on the Minister for Water, Property and Housing in the other place? This is a substantive motion and that is the way I am dealing with it, thank you—and, as usual, the Hon. Wes Fang is wasting time.

The Hon. Wes Fang: No. It is a disallowance motion.

The Hon. Sarah Mitchell: It is a disallowance motion.

The PRESIDENT: Order! I did not hear the precise words that were used by the Hon. Robert Borsak, but in clarifying the situation this is not a substantive motion in relation to the Minister. Reflections are disorderly. I encourage the member to make his contribution with that in mind.

The Hon. ROBERT BORSAK: Let us not forget that it was not the Minister for Water, Property and Housing but volunteer groups that prevented communities devastated by drought from evacuating their towns. This Government's policy has priced water so high that communities are prevented from reaching their full agricultural potential. Mum-and-dad farmers have had to shut down their operations because their general supply is locked up in dams and guarded by The Nationals. This Minister is throwing up smoke and mirrors on floodplain harvesting and diverting attention from all she has done wrong. To assume all is well elsewhere in the Murray-Darling is simply untrue. There is a fundamental issue of trust in what this Minister says.

In fact, The Nationals' history of water management in New South Wales has been mired in controversy. Even if good regulations were presented, people would doubt her truthfulness. In the interests of irrigation communities, the Minister must be replaced immediately and the grubby hands of The Nationals must be permanently excluded from water management. While she thinks she is creating division between the north and the south as a diversion, what she is really doing is drawing attention to the need for someone outside The Nationals to start afresh—

The Hon. Sarah Mitchell: Point of order—

The Hon. ROBERT BORSAK: —with the Water portfolio and negotiate real and equitable outcomes for both the northern and southern basins—

The PRESIDENT: Order! The Minister has the call. She rises on a point of order.

The Hon. Sarah Mitchell: Once again, the Hon. Robert Borsak is very clearly reflecting on the Minister for Water, Property and Housing in the other place. He is also referring to her as "she", which is unparliamentary. She should be referred to by her appropriate title.

The PRESIDENT: With regard to the second part of the point of order, I ask the member to use the Minister's correct title. With regard to the first part of the point of order, I was speaking with the Clerk and I reiterate what I have said previously. The member should not reflect upon the Minister other than by way of substantive motion. There is some leeway for some commentary to be made, but if it is a direct reflection on the Minister it is out of order.

The Hon. ROBERT BORSAK: That is something the Minister has been completely incapable of doing and/or unwilling to do. This water debate has been going on since Federation—

The Hon. Don Harwin: Point of order: As soon as you made your ruling, Mr President, there was an imputation made against the Minister and a suggestion of improper motives on the part of the Minister. The member should be called to order.

The PRESIDENT: I call the Hon. Robert Borsak to order for the first time. I reiterate that he should make no personal reflections on the Minister in his contribution.

The Hon. ROBERT BORSAK: The Shooters, Fishers and Farmers Party recognises what it requires to get it right and it is time this Government did too. We met the Premier and the Deputy Premier on 18 June 2020 and handed them our compact with New South Wales. If they had bothered to read the compact they would have found within its pages the SFF 10-point action plan on water.

The PRESIDENT: Order!

The Hon. ROBERT BORSAK: Point 6 relates to floodplain harvesting and states:

The NSW Government should halt future floodplain harvesting plans and conduct robust scientific assessments of impacts, and clear definitions of the different types of floodplain harvesting. Once this is done, the government must use satellite technology to measure and properly regulate the different forms of floodplain harvesting.

Doing these things and consulting with the Shooters, Fishers and Farmers Party on an issue that is relevant to our electorates could have ensured that the regulations got across the line. But the Government chose not to do that. It has not been robust in its consultation and it has again failed to get it right. This disallowance motion is not saying "no" to regulation; it is saying that these regulations are not good enough and to go back and try again.

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the first time.

The Hon. ROBERT BORSAK: Go back and draft something that works for everyone; that is the Government's job. Never before have the two electorates directly involved, Barwon and Murray, been held by a party that is not in the pocket of large donors or The Nationals. The Shooters, Fishers and Farmers Party is in a very privileged position and we plan to use that to the benefit of both electorates and the New South Wales community in general. It is in the interests of many, particularly The Nationals, to keep these electorates at odds with each other. Frankly, Nationals tactics are the only transparent thing about the party. This is not the way forward.

In early November last year I wrote to the Minister for Water, Property and Housing requesting that she engage in discussions and negotiations about how to bring equitable outcomes to the north and the south. That request was responded to in February 2021 and we subsequently had one meeting at which we advised the Minister that she needed to engage directly with irrigators in the southern basin. A list of claims was tabled. Further, we also advised the Minister that legislation for water should not be done by regulation but should be brought to the Parliament as substantive legislation for debate and amendment if necessary. It appears she took no heed of this advice to engage with the southern basin irrigators as well as the northern basin irrigators and deal with open hands and goodwill to all sides. There is a lot more to the current situation than the Minister just promulgating simple regulations regarding floodplain harvesting—and she knows it.

Unfortunately, there are many people in this debate—including the Minister—who thrive on mistruths and anger. They use the emotion of this debate to further their own political ends. If this Government were indeed serious about regulating flows in the Murray-Darling Basin, we would have a piece of legislation before us that could be negotiated, debated, amended and passed equitably. But instead of bringing on legislation, we have the brute, blunt force of regulations being shoved down our throats yet again by a government that cannot govern in any other way. To bring on these regulations now is a poor, partial solution that should be struck down. There needs to be fairness and equality across the valleys, north and south. That is what the Shooters, Fishers and Farmers were seeking when we wrote to the Minister, but instead we got nothing. This is the second attempt by this Government to force these regulations that do not work for all of those impacted.

The danger with governing by regulation is that once it is in place, it can only be disallowed and cannot be changed by the elected members of Parliament. With water so integral to communities, agriculture and the environment, the whole Parliament should be involved in the debate and should have the ability to amend the legislation and/or improve it. I acknowledge the frustration felt by communities in the northern and southern basins that the New South Wales Government has dragged the chain on this issue. If the Government wants to see change in this area, it needs to engage properly, and with the support and the efforts of the Shooters, Fishers and Farmers. It has been evident throughout the whole process that the Minister has not adequately engaged with the member for Murray. The Government has had years to conduct thorough and proper consultation with stakeholders. These regulations are not all bad, but they are clearly one-sided.

Due to interjections I have not been able to complete my speech, but I advise the House that my speech was sent to the media when I commenced it. Interruptions that I have been subjected to will not make any difference as it will all be on the public record.

The Hon. MARK LATHAM (11:37): One Nation opposes the disallowance motion. We see it as unfortunate and part of a continuing pattern of propositions brought to this House by Mr Justin Field, who really has only one type of motion and that is to destroy jobs and economic activity. Whether you are a miner, a forestry worker, a farmer, in manufacturing or turning scary carbon into steel and other useful products we use in our society, Mr Justin Field will send you down to the Centrelink office to go on the welfare scrap heap. Every motion he moves in this place is designed to destroy jobs and economic activity, and this disallowance motion is consistent with that pattern. Beyond that, we have to listen to his remarks—all written out by someone—which included the remarkable statement that he is issuing the social licence to farmers to do their floodplain harvesting.

What is a social licence? We hear this term bandied around but no-one has ever defined it; it is not written down in law. It is one of these green left inventions to say, "We are ruling society. We are the elites. We determine who has the social licence." Someone who has never been elected to this Chamber and never had a mandate from

the people of New South Wales stands here saying, with blinding arrogance, "I am issuing the social licence. I am deciding who can collect their water on the flood plain and continue their farming." Have you ever seen anything like it? It is stunning in its elitism and its arrogance. The social licence is up there with other leftist inventions like critical race theory, cultural appropriation, unconscious bias, white male privilege and Bruce Pascoe's book. What they cannot control in society, they seek to determine by inventing terminology and unproven theories and they pronounce them with such academic elitism—

Mr Justin Field: Point of order: I understand that debates such as this can be quite wideranging at times, but I think the Hon. Mark Latham has strayed well beyond the motion before the House. His comments now are particularly irrelevant.

The PRESIDENT: I am willing to give the member some latitude. Social licence has been raised, so the member is in order, but I will draw him back to the leave of the motion.

The Hon. MARK LATHAM: I do not want to lose my social licence to speak.

The Hon. Shayne Mallard: It is only a matter of time.

The Hon. MARK LATHAM: It is only a matter of time. It will be Mr Justin Field's next disallowance. The truth is that this is a sad moment for the Parliament. After 20 years of trying and the former Labor Government putting in place enabling legislation to allow for a floodplain harvesting regulation, there have been two decades of failure—most notably in the past couple of years. How hard would it be for this Parliament to have the wit, the wisdom and the cooperative spirit to get something in place after 20 years? Is this our longest running public policy failure in New South Wales? It probably stands up that way. I contrast it with the cross-party resolution that we achieved yesterday evening by playing a constructive role to save steelmaking in New South Wales. The cross-party resolution came through 34 votes to—

Mr Justin Field: The Latham motion: save steelmaking. Talk about arrogance!

The Hon. MARK LATHAM: You were there to destroy mining jobs and destroy steelmaking jobs. We have two votes in this Chamber and 32 others joined with us to play a constructive role in trying to save steelmaking. How hard is it for the Parliament to play a constructive role and say that if water falls or floods across your land, you have a basic property right to harvest it? I am one of those people with a dam on the outskirts of Sydney. We collect the water that flows out of the back paddock. It is not my property. It flows down. It is in the dam. No-one comes out and says, "You haven't got a social licence to have half that water in your dam."

[A Government member interjected.]

The Hon. Sam Faraway makes a great point. I should not give them ideas about what they can do to cause people living on a property or farming their land to lose their water. Ultimately, the green left agenda is for farmers not to have any property right to their water; it all has to go into environmental flows or out into the Great Australian Bight at Adelaide. The only agenda they have is that no farmer can reasonably exercise a property right. If water is flooding across their property, are they supposed to stand there and watch it disappear into environmental flows? I have seen the environmental flows in western New South Wales. They are a farce and a disaster and a complete failure. The water runs into the creeks and when the hot weather comes it all dries up. There is no benefit to the environment whatsoever. It is the hatred of farmers and the hatred of economic activity that drives this. Environmental flows are a furphy in this debate.

Furthermore, if there is a big wet and water can get to Goolwa and the estuary at the Great Australian Bight, they will happily see it go into the ocean instead of be used by the farmers of New South Wales. This disallowance is anti-New South Wales, anti-farmer, anti-common sense and anti-property rights. That is the tragedy here. If there is one thing that should unite this Parliament it is the proposition that if you own something in New South Wales you have a property right. If you own land that you are farming and you need to collect some water that is a logical property right that can be regulated and administered by the New South Wales Government. How hard is it to do? After 20 years, this is a day of failure upon which an anti-farm alliance has formed to do in farmers and their basic property rights.

I recently looked at the data about what floodplain harvesting collects out of the catchment flows. It is a blip on the graph—literally a drop in the bucket. The very small amount of water it collects in the overall catchment only occurs when it floods. That is why it is called floodplain harvesting. Only in the big floods do farmers have a legitimate right to collect the water for their agricultural activity. When you visit the cotton farmers of New South Wales you can see how hard they have worked generation after generation to use their land, use their wit and use their abilities to turn a dollar and leave something better behind them. In many cases, those farms are works of art. I call cotton farmers the Michelangelos of agriculture. The sculpting of the land to collect water in the levy banks to farm productively is a thing of beauty that should be admired and supported while underpinned

by the basic legal principle of a property right. Water should not be allowed, for ideological reasons, to dry up in a nearby creek as so-called environmental flows. It should not be wasted and allowed to flow out into the Great Australian Bight.

What better time is there than now to introduce a fair and reasonable regulation? Menindee is overflowing. We have been through a big wet. There is no battle for scarcity; there is a question of how to deal with an abundance of water. My friend and colleague the Hon. Robert Borsak spoke about a lack of consultation. It certainly would have been desirable to have all the interested parties around the table with the Minister to look at the data. That would have been a consensus-building approach. I had access to the data from the authorities and saw the pimple on the graph. I saw that this is not something that wrecks opportunities for irrigators in the south of the State or anywhere else. It would have been preferable to have consensus-building meetings so that there would not have been a last-minute scramble to work out what Labor is doing and wait-and-see meetings to work out whether members can vote against the disallowance. Maybe the pathway forward is to have constructive meetings and see where we can arrive by way of consensus.

It is sad that it has come to this. There is an element of division within the farm community. That is very unfortunate. The member for Murray is a wrecker and has played a wrecking role in this by dividing and then seeking to rule. I am sure that the green left look at Helen Dalton as what Lenin described as a "useful idiot", someone who does not really know what she is doing other than out of spite and divisiveness—

Ms Cate Faehrmann: Point of order: Mr President, I think you know what my point of order is going to be. The member is making adverse reflections about a member in the other place. In fact, what he said at the end of his contribution was offensive language. I would ask him to withdraw his comments and apologise for what he said.

The Hon. MARK LATHAM: It is the first time the left has objected to quoting Lenin. Although she might have been on the party drugs and thought I was referring to John Lennon.

The PRESIDENT: Order! The Hon. Mark Latham will resume his seat. I will seek advice from the Clerk. The point of order is of such a character that I would ask the Hon. Mark Latham to desist. I will have further comment to make at an appropriate time. I notice that the member's time has expired. Is any other member seeking the call?

The Hon. Mark Latham: To save you further comment, I will withdraw and apologise to the member for Murray if it suits the convenience of the Chamber and you in the chair.

The Hon. WES FANG (11:48): Previous speakers have said that this is primarily a right of farm use and a farm issue. The Minister demonstrated in her speech that these regulations not only give legal certainty to our farmers but also have significant environmental benefits. Many members who speak about these regulations premise their contributions with an acknowledgement that we need water licensing. They recognise it is important that we have better management and measurement of water usage, yet when the opportunity arises to be involved in the process they vote against it. They stand here and say that they have concerns. The same concerns were raised last year. There is no longer any excuse for them to sit on the fence.

Since the disallowance last year, \$5 million has been spent on modelling and on responding to the issues raised in the previous debate. I thought for the sake of *Hansard* I should clearly articulate some of the issues that the Minister's office has worked through with relevant parties in order to get this significant and productive community and environmental outcome. The first issue was that the licences as proposed were not compliant. Through explaining the way the cap was determined, we have taken the volumes back to the 1994 cap limits. This is a good thing; people cannot claim there has been a growth in the activity as the allowable level will be set at the 1994 level.

The most important myth that worried the member for Murray was that floodplain harvesting would result in a 39 per cent cut in Murray allocations. We know that floodplain harvesting is not going to deliver that. The modelling has demonstrated that the inflows from the north have only a 14 per cent impact on Murray allocations. Modelling has shown that if we were to totally ban floodplain harvesting across the State and set the level at zero gigalitres it would only improve the Murray allocation by 1 per cent. Now that we have remedied a number of the issues raised, members opposite instead bring up other issues that are totally unrelated. It is humorous when they try to claim that floodplain harvesting has a negative impact on river connectivity.

One would assume people realise that you can only have floodplain harvesting during a flood. In fact, it was put to me that some members in this place are so naive that they are trying to use flood policies to solve drought problems. It is also interesting that people use the argument that floodplain harvesting will drain Menindee Lakes forever. I think we all loved seeing the footage last week of the water flowing into Menindee Lakes for the

first time in five years. That happened despite floodplain harvesting. Again, it should be evident that it is in fact drought, not floodplain harvesting, that determines when those lakes are empty.

Finally, when all other arguments fail, there is the 500 per cent rule—more accurately described as the five-year accounting treatment. Ultimately, the purpose of floodplain harvesting is to not allow a take every year. In fact, floodplain harvesting is designed so that water is taken only during unusually wet periods and then stored for use in dry years. We account for the take volumes in five-year periods rather than annually to discourage regular take and instead ensure that water is taken only during wet events. This is consistent with the extraction rules around groundwater take and it is why there are environmental benefits of the policy. I am sure a large number of communities across the State, specifically in the Upper Hunter, would like guarantees that the five-yearly treatment will not be a future issue raised in regard to groundwater take. Ultimately, today the choice is ours. We can look at the evidence, give certainty to our farmers and reap the environmental rewards. Alternatively, we can continue to politicise water, keep people down and keep the environment thirsty.

The Government has got on with the job. After Labor first put the policy to community consultation in 2008 and 2010, the New South Wales Liberal-Nationals decided to see it through. We have spent the past six years and—as a result of the additional work requested—now more than \$20 million collecting and analysing data from field inspections, remote sensing, metering and river flow records to ensure that the best available science informs this groundbreaking reform. It is incumbent upon me to clarify some other facts. The first is that the Minister has certainly engaged with stakeholders, including no less than the Murray Regional Strategy Group. I have in front of me a letter from Michael Murray, General Manager of Operations at Cotton Australia, addressed to members of the Shooters, Fishers and Farmers Party. It reads:

I am writing to you to let you know that the Australian cotton industry fully supports the recent tranche of regulations associated with volumetric licensing of floodplain harvesting, metering of floodplain harvesting take and the exemption of rainfall run-off.

I am sure the member for Murray has an opinion on this. It turns out she listed her membership of Cotton Australia on the pecuniary interests register. So an organisation that the member for Murray is a member of is advocating that we do not disallow these regulations.

I also have correspondence from Coleambally Irrigation Co-operative Limited, the Ricegrowers Association of Australia Inc. and a number of other stakeholders, who all write about how the Government has been involved in discussions and consulted with them on these regulations. The comments made by other speakers in this debate around what the Government has and has not done in support of farmers and regional communities is certainly put to the sword by stakeholders themselves in the correspondence that they have given us. They are particularly pleading with the Shooters, Fishers and Farmers Party to support them and to support farmers. It is amazing that they are being abandoned.

These communities are telling Shooters, Fishers and Farmers Party members that by disallowing these regulations they are not representing their best interests. The Government has done the modelling, reduced the take and worked continually with all stakeholders to see this through. The last step is up to others in this place. They can vote against this disallowance motion and allow the culmination of 13 years of work to have some purpose. They can put an end to the farce and protect the rights of farmers in these communities, whilst helping our environment. I urge members to support our farming communities. They should support those who have been consulted and been at the table with the Minister and the department to work through these regulations so that they may continue to provide us with food and fibre in the future.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:58): I note that this will be a very short contribution.

The Hon. Adam Searle: Sometimes for the best.

The Hon. DAMIEN TUDEHOPE: Sometimes it is for the best. Listening to the contribution of the Hon. Robert Borsak led me to speculate how it would have been in their party room when they had to discuss this. I can see on one side the member for Barwon saying, "I like this regulation", and I can see the member for Murray on the other. I wonder whether there were raised voices. They might have had a significant discussion in relation to this.

[Members interjected.]

To sum up this situation, in the Shooters, Fishers and Farmers Party it is the member for Murray versus the member for Barwon. They stand off and they say, "Now, where does Robert Borsak stand? Maybe I'll be disendorsed!" I wonder how many threats were made.

The PRESIDENT: Order! The member will return to the leave of the motion.

The Hon. DAMIEN TUDEHOPE: This is the motion.

The Hon. Shayne Mallard: Point of order: The Hon. Robert Borsak is standing and yelling at the speaker. That is discourteous to the House and he should be called to order.

The Hon. Adam Searle: To the point of order: I could not hear anything over the yelling of the Hon. Shayne Mallard and the Minister.

The Hon. Shayne Mallard: Further to the point of order: I was not yelling at all.

The PRESIDENT: Order! It is Thursday afternoon and all members are looking forward to the end of a long sitting week. According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

COVID-19 AND SCHOOL CLEANING STANDARDS

The Hon. ADAM SEARLE (12:00): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the answers she gave in Parliament yesterday—5 May—and given the recent community transmission of COVID-19 in Sydney, will the Minister now take the opportunity to guarantee students and parents that enhanced COVID-19 cleaning measures will remain in place beyond the end of term 2?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00): I thank the Hon. Adam Searle for his question. I say in response what I said yesterday, because that information is still current and that circumstance is still the case. As I said very clearly yesterday, enhanced cleaning remains in place in our schools now during term 2, and we are only a few weeks into the term. There are no plans to remove the enhanced cleaning that is in place. That is committed to the end of the term. Of course, we will continue to monitor the ongoing situation in consultation with NSW Health. Again, as I think I reiterated yesterday, we work very closely with NSW Health and our department staff—particularly those who work in our workplace health and safety directorate, Marnie O'Brien and others—work very closely with NSW Health and have regular conversations about what we need to do to support our school communities.

If the advice changes about what we need to do and the advice is that we need to continue to provide the additional cleaning in term 3, of course we will do that. As I said yesterday, that is still some weeks away. There is an ongoing health situation that we monitor and will continue to monitor. Our school communities have done that over the past 18 months since we have been in this pandemic. I repeat what I said yesterday. The advice through our school communities remains the same: that if any staff members, parents or students feel unwell, they should not come to school. We have been very clear about that. If you are not well, stay at home and get tested. That is a message for the entire community, including our school communities. We will continue to speak with Health, liaise with it and take its advice. The additional enhanced cleaning remains in place for this term and we will seek advice about what appropriate measures are to be in place in term 3, as I said yesterday.

The Hon. ADAM SEARLE (12:02): I ask a supplementary question. Will the Minister elucidate on those parts of her answer where she said that the Government will continue to monitor the situation in New South Wales? I think she said that the Government would consider continuing the cleaning in term 3 if advice changes. What is the current advice that might change and what are the criteria by which the Minister will determine whether the enhanced cleaning measures will remain in place in term 3?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:03): Again, I reiterate what I said yesterday. Nothing has changed since yesterday regarding the position that we are at in New South Wales schools. Of course, we are aware of the new case today. The advice from Health at the moment is that we should be doing the cleans. That is what we are doing and will do, based on its advice. I really do not know how many more times I can say what I said yesterday. The proven track record is there about how seriously we take the safety and wellbeing of our staff and students. The enhanced cleaning remains in place for the rest of term 2. Advice will come about what we need to do in term 3. We will consider that advice and respond accordingly, as we have done throughout the entirety of the pandemic.

ABORIGINAL CHILDREN'S HOMES

The Hon. CATHERINE CUSACK (12:04): 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 work to preserve sites of significance for the Stolen Generations?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:04): I thank the Hon. Catherine Cusack for her question, which is on a matter that I am passionate about. Each of the former Aborigines Welfare Board children's homes—Bomaderry, Kinchela and Cootamundra—is very significant to survivors. Aboriginal children were placed in these former homes, along with other places, such as the Parramatta Girls Home, under past policies of

assimilation. The sites hold memories of the most unimaginable childhood trauma, heartbreaking loss and terrible abuse suffered by many Stolen Generation survivors. They are important places of truth-telling and remembrance for survivors and the community more broadly. It is vitally important that the history and fabric of the sites are maintained.

The New South Wales Government has been working with the four Stolen Generations organisations in New South Wales on how to preserve the legacy of these sites. I am pleased to say that the New South Wales Government committed \$3 million of new funding to work with all stakeholders to take this work forward. The investment will support the development of a business case that will consider how the culturally significant sites of the Cootamundra Girls Home, Kinchela Aboriginal Boys Training Home, Bomaderry Aboriginal Children's Home and the Parramatta Girls Home can be preserved. The funding will support Stolen Generation survivors to record their stories and to progress respectful investigation into accounts of missing children at the sites of the former children's homes. Given the advanced age of some of the survivors, it is critical to record their lived experiences for education about our nation's history and to support the healing process.

Urgent remediation work will also occur across these sites. These immediate improvements will ensure that the history and ongoing legacy of the Stolen Generations continues to be understood and recognised in Australia. These are nationally significant sites and this preservation project, being delivered collaboratively by Aboriginal Affairs and Regional NSW, will be the first of its kind for New South Wales. This work builds on broader New South Wales Government commitments made in response to the *Unfinished Business—Progress Report to Parliament* towards healing, reparations and truth-telling for Stolen Generation survivors.

WEE WAA HIGH SCHOOL

The Hon. PENNY SHARPE (12:07): My question is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. Given that more than 50 staff and students fell ill due to mould exposure at Wee Waa High School, will the Minister now conduct an investigation into why staff, students and parents had to wait more than seven months before the Government decided to clean the school grounds?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:07): I thank the Hon. Penny Sharpe for her question about a very important and serious issue. There does seem to be some misinformation in the question. I know I cannot debate the question but I will use the opportunity to speak about what is happening at Wee Waa. Obviously, the Government takes the health concerns at Wee Waa High School seriously and it is important that we do that. I have visited the school and I am in regular contact with the principal, Annabel Doust. I spoke to her last week to make sure that the school community is receiving the support it needs. I acknowledge Annabel as the principal and pay tribute to her for her leadership during what is an incredibly challenging time—there is no doubt about that.

As members will be well aware, the high school is operating on the primary school site as investigations continue to identify the source of contamination. These are very complex matters. The Government has taken steps to remove the students and staff from the Wee Waa High School site and has provided facilities at the Wee Waa Public School to ensure not only their safety and wellbeing, which is of critical importance, but also the continuity of learning. There have been instances of symptoms presenting in the staff and students at the school and every step has been taken to ensure the safety and wellbeing of all students.

Extensive cleaning has been taking place at the school. Over the weekend a forensic clean was conducted. This is a very detailed deep clean of the school to help reassure the community that the site has been comprehensively cleaned. Again, that was at the request of the principal and the school community. That was more detailed than the previous environmental cleans that have taken place. The environmental cleans will continue fortnightly, again based on the wishes of the school community. It is important we do that because we need to make sure we listen to that school community and work closely with them as we manage through a very complex issue.

I am happy to advise the House that the department continues to work closely with NSW Health, SafeWork NSW and a team that has been engaged to undertake a health study of staff at the high school. A medical investigation company called enRiskS has commenced its investigation process. My understanding is that representatives of that organisation were at the school on 30 April, along with two Hunter New England Local Health District public health physicians, to meet with the staff and discuss their concerns.

EnRiskS will conduct an investigation which will include a review of all incidents at the school, interviews with all affected people, a request to view all medical records associated with doctor or hospital visits but only with the staff or parents' permission, contact with healthcare providers for further information, a review of all laboratory tests and a cataloguing of all information into a database to analyse patterns. The Government has also

worked with the school community to look at digitising all resources so that paper resources from the old site are no longer used. This is an ongoing investigation. There are incredible amounts of support for the Wee Waa High School community, and that will continue. [*Time expired.*]

REGIONAL AMBULANCE SERVICES

The Hon. ROD ROBERTS (12:10): My question is directed to the Minister for Mental Health, Regional Youth and Women, in her capacity representing the Minister for Health and Medical Research. On Monday 8 March 2021 Mrs Vicki Saker collapsed on the floor of her home in Batemans Bay, writhing in pain and vomiting. Prior to that day Mrs Saker was a fit and healthy person in her mid-50s. At 6.30 p.m. her husband rang 000 and requested an ambulance for his wife. At approximately 7.00 p.m.—some 30 minutes later—he received a call saying that no ambulance was coming. Mr Saker carried his wife to the car and took her to Batemans Bay hospital where she was admitted. Mrs Saker was later transferred to Moruya hospital where she underwent emergency surgery. They had never used the ambulance service in their life and in their time of need no ambulances were available. Will the Minister explain why no ambulance could attend? Will the Minister also confirm that there is only one vehicle with a crew of two personnel on duty from 6.00 p.m. to 6.00 a.m. at Batemans Bay?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:11): I thank the member for his question, which is directed to the Minister for Health and Medical Research who resides in the other place and I represent in this place. This question raises very serious issues. I am concerned to hear about the situation that occurred with Mrs Saker in Batemans Bay. The question specifically asks whether there is an ambulance, how many vehicles there are and how many crews are on duty from 6.00 p.m. to 6.00 a.m. at Batemans Bay. I do not have that information on hand. I will take the question on notice and provide a detailed response from the Minister.

I can inform the House that in 2021 the Government will be investing more than \$1 billion in services and capital works for NSW Ambulance, which will include 180 new ambulance staff across New South Wales. I do not diminish the seriousness of this question, and on behalf of the health Minister I again thank the honourable member for the question, but I am sure the honourable member will agree that every minute of every day across this State the ambulance service responds to multiple calls—and they are very difficult calls. The ambulance service does an incredible job and I commend those highly professional men and women for their work. I will endeavour to get the honourable member an answer to address these issues as soon as possible.

PUBLIC SCHOOL FUNDING

The Hon. WES FANG (12:13): My question is addressed to the Minister for Education and Early Childhood Learning. What is the Government doing to support jobs and improve facilities in New South Wales public schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14): Mr President, we are building plenty of schools, but today I will talk about something else. The Government is continuing to drive economic activity in the State as we recover from the impacts of the COVID-19 pandemic. I am absolutely thrilled that as part of our plan New South Wales public schools are experiencing massive investment. Many, if not all, members of this place would be well aware that this Government is investing \$7 billion over the next four years to continue our program of delivering more than 200 new and upgraded schools.

Part of this record spend includes funding to deliver smaller scale projects across New South Wales public schools through the Regional Renewal and Metro Renewal programs, the Regional Roof Replacement Program and the LED Lighting Upgrade Program. Those COVID-19 stimulus initiatives are improving the learning environment for students whilst supporting local jobs in communities. I recently joined the Treasurer on a visit to Carlingford High School in his electorate to announce the first tranche of schools to benefit—

[*A member interjected.*]

It was pre-isolation. It was a while ago. We are good. I am sure the Treasurer is at home watching question time and loving watching the Legislative Council. But I digress. We were at Carlingford High School, which is a fabulous school, and I had the opportunity to provide an update on the rollout of other initiatives. I thank principal David Krust, who shared with us the on-the-ground impact of those programs. It was incredible to hear. The school will be one of 290 in the first round of the LED Lighting Upgrade Program, it has received funding to upgrade its toilets through the Metro Renewal Program and it has also recently benefited from the Government's record maintenance spend.

I also visited Morgan Street Public School at Broken Hill with principal Scott Sanford and the student leaders. They were very happy to share their excitement about funding to accelerate the delivery of an improved playground space through the Regional Renewal Program. At Bowral High School repair works to address a

leaking roof in the school hall have temporarily fixed the issues, but a more permanent solution is possible with funding through the Regional Roof Replacement Program. Principal Jason Conroy was very thankful for the investment and the impact the new roof will have on use of the hall.

[An Opposition member interjected.]

Clearly those opposite just do not like good news. All up, 117 schools are benefitting from works under the \$60 million Regional Roof Replacement Program—with this number estimated to reach almost 700 at its conclusion. Through the Regional Renewal and Metro Renewal programs, more than 1,300 projects have been announced across more than 1,200 schools valued at more than \$286 million. The first 290 schools to receive smart LED lights have been announced, with up to 1,000 schools set to benefit from this \$157.8 million injection. All up, those stimulus initiatives represent more than \$450 million worth of works that will directly improve the learning environments in our public schools. This will benefit our students, teachers and staff and support more than 3,500 jobs across the State.

WEE WAA HIGH SCHOOL

The Hon. MARK BANASIAK (12:17): My question without notice is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware that students at Wee Waa High School are not allowed to bring anything to school but the clothes on their back, including an asthma inhaler or an EpiPen? Will the Minister clarify what an asthmatic or anaphylactic child should do in a situation where they are unable to administer lifesaving first aid and why the Minister has allowed her department to put the lives of children at risk? What advice has been provided to parents about the inability to bring asthma inhalers and EpiPens to the school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17): I thank the Hon. Mark Banasiak for his question. As I already outlined in my response to the Hon. Penny Sharpe, this is something that the Government is taking extremely seriously in relation to the matters that are underway at Wee Waa High School. We have been working with the school community about what resources students are able to bring into the school, including digitising records and the like. There have been concerns about paper resources being brought from—

The Hon. Mark Banasiak: Point of order: The question is about asthma inhalers and EpiPens, not digitising school resources. You cannot digitise an asthma inhaler.

The PRESIDENT: I encourage the Minister to return to the leave of the question.

The Hon. SARAH MITCHELL: The member asked about students being able to bring nothing but the clothes on their back. I was giving context in relation to some of the advice that has been provided about documents and the like. The member asked specifically about children with asthma inhalers and puffers. I will seek advice on that from the principal of the school. The member also asked what information parents had received about those matters. I will come back to him as quickly as possible. I am happy to do that in person outside the normal time frames of the House. I want to get some clarity on what he has raised and get advice directly from the school community.

WEE WAA HIGH SCHOOL

The Hon. JOHN GRAHAM (12:19): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that her department only began a forensic clean of the demountable buildings at Wee Waa High School last Friday to get rid of the mould, which again forced students to take online classes from home, will the Minister guarantee that the issues are being solved and that the students and staff are safe?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20): As I said in an earlier response to a question about Wee Waa High School, this is an extremely serious issue. It is very unfortunate if anyone in this Chamber is inferring that the Government is not taking the issue seriously or is using the issue as a political opportunity to scare a community that is very close to where I live and is very close to my heart. The Government has been working closely with the Wee Waa High School community since the beginning of this. What is happening at the old high school site is very bizarre. The Government has had extensive support from NSW Health, and it has worked with work health and safety. The safety of the students and staff at the Wee Waa High School community comes first—it always has and it always will.

The Government will continue to work with the school community in relation to its safety. As I said earlier, investigations are ongoing. We have moved the children and staff off the old high school site and onto the new primary school site. The additional forensic cleaning that took place at the school over the weekend was based on the concerns of the school community, including those expressed by the principal. We want to do everything that we can to support that school community. The school will undertake additional environmental cleaning every

fortnight, again, based on the needs of the principal and the school community. The Government is working hand in hand with them and it will continue to do so.

The Government is also looking at what it needs to do in the long term for that school community. As I have said to that school community on my visit to the area and as I have said quite publicly in the local media, the Government is looking at options for a brand new school on a brand new site. If the Government needs to build a new school on a new site, that is what it will do. That is what the Government is working on at the moment hand in hand with the principal and with the school community. What I am not prepared for is members opposite in particular turning this into a political issue for the sake of fearmongering and scaremongering. Most of them, frankly, would be hard-pressed to find Wee Waa on a map. I am not—

The Hon. Bronnie Taylor: Point of order—

The PRESIDENT: Order! Members are well and truly aware that interjections are disorderly. I ask members to come to order. The Minister has the call.

The Hon. SARAH MITCHELL: I am not going to accept politicisation of an issue that is incredibly important.

The PRESIDENT: I call the Hon. Courtney Houssos to order for the first time.

The Hon. SARAH MITCHELL: The Government will continue to work with that school community as it has from the very beginning and provide whatever support is necessary to it.

The Hon. JOHN GRAHAM (12:23): I ask a supplementary question. I acknowledge up-front that it appears the Minister is taking the issue seriously. Will the Minister elucidate on her argument that the safety of students is the first priority and deal with the previous question—an issue she has so far avoided. Are students and staff safe? It might be the first priority. Will the Minister give a guarantee that they are actually safe?

The Hon. Sam Faraway: Point of order: The Hon. John Graham just reiterated the original question and that is not a supplementary question.

The PRESIDENT: I uphold the point of order.

REGIONAL HEALTHCARE FACILITIES

The Hon. SHAYNE MALLARD (12:24): My question is addressed to the Minister for Mental Health, Regional Youth and Women—a great Minister. How is the new Tresillian residential unit at Macksville Hospital helping young families?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24): I thank the honourable member very much for his question. The New South Wales Government is building a safer and stronger regional New South Wales, which starts with better health care for our regions. Earlier this year I was delighted to visit the mid North Coast to launch—

The Hon. Greg Donnelly: Have you read the transcript from the inquiry last week?

The Hon. Penny Sharpe: How is that inquiry going?

The PRESIDENT: Order! It is Thursday afternoon and members are very keen to get home. I will call members to order if they continue to interject.

The Hon. Greg Donnelly: If you read *Hansard* you wouldn't be asking this question.

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

The Hon. BRONNIE TAYLOR: I welcome the opportunity to tell this Chamber about my visit to the mid North Coast to launch a brand new purpose-built family-friendly specialist residential facility for parents. Babies and toddlers are co-located within the maternity unit of the brand new \$73 million Macksville Hospital. It is the first residential service model of its kind in regional Australia and provides specialist child and family health services to families experiencing truly parenting challenges, with priority of access for families living in regional New South Wales.

I was delighted to speak with local mum Steph at the launch, who shared her story about the difference that Tresillian has made to her parenting. At the time that Steph accessed this life-changing support, she and her daughter, Aaliyah, had to travel to Sydney to a Tresillian residential centre as there were not any services like Tresillian available near her home. She is thrilled that parents in her situation can now have access to this help locally. I also met the wonderful, dedicated and caring staff who welcome struggling families to the residential

unit. Their commitment to this valuable service is already making a huge difference to local families on the mid North Coast. The eight-bed residential unit, with suites for four families, provides specialist child—

The Hon. Greg Donnelly: You can't have a baby in Cobar.

The Hon. BRONNIE TAYLOR: Point of order: I am talking about the first-of-its-kind service for women, families and children on the North Coast of New South Wales. Members of this Chamber might want to hear about this service to see how effective it is and listen to the personal stories told by people. There are constant interjections by members and I ask, Mr President, that you call them to order.

The PRESIDENT: I uphold the point of order. I call the Hon. Greg Donnelly to order for the second time. I counsel him not to interject further. The Minister has the call.

The Hon. BRONNIE TAYLOR: As I was saying, one of the key things that this service will help local families with is providing support for infant or toddler sleep difficulties, which can often have an impact on the whole family. The service will also be on hand to provide support with feeding issues, toddler behaviour challenges—and I know all about those—and perinatal emotional wellbeing. We are wrapping a web of services and support around mothers because we know how incredibly challenging it can be to raise a family, especially in those early months. I invite the House to join me in sending a huge shout-out to all the mothers out there who do their very best every day. Let us make sure we all take a moment to show them our love and gratitude on Mother's Day this Sunday. This morning the incredible Leila Abdallah received the Mother of the Year award. She had this to say:

Mum is the most powerful word anyone can say. The hardest job in the world is to be a mother, we carry the world on our shoulders and her job never ends with many sleepless nights and long hour shifts. Her salary is love.

FIXING LOCAL ROADS PROGRAM

The Hon. ROBERT BORSAK (12:28): My question without notice is directed to the Hon. Don Harwin, representing the Minister for Regional Transport and Roads. Is the Minister aware that Dungog Shire Council has lodged funding and grant applications of almost \$6 million to assist with fixing and improving eight local roads under the Fixing Local Roads program and has subsequently received advice that it has been successful on only one out of those eight roads listed for critical funding? Given the Minister's failure as regional roads Minister to upgrade Dungog shire roads to the agreed service level, why did his Government knock back the requested funding and will the Minister now revisit the funding and deliver on what the Dungog shire community deserves and needs?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:29): I will leave aside the issue of argument in the question. The question raises a very serious issue and deserves a speedy response. We will try to get a response from Minister Toole by the end of question time but if not we will get back to the member quickly with a response.

JORDAN SPRINGS PUBLIC SCHOOL

The Hon. SHAOQUETT MOSELMANE (12:29): My question is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given the Auditor-General's finding that the State will run out of classrooms in two years, what immediate steps is the Minister taking to address overcrowding issues in Jordan Springs Public School, where children have been forced to take classes in the library due to a lack of classrooms?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:30): I thank the Hon. Shaoquett Moselmane for his question. Of course, we acknowledge the Auditor-General's report that he referred to in his question. The report confirms that the Government's decision to establish a specialised division within the Department of Education to build, upgrade and maintain New South Wales public schools was the right one. We are committed to continuous improvement, and we will ensure that the recommendations are implemented within 12 months of the Auditor-General's report being published. Of course, the reason the Auditor-General has looked into this is so many schools are being built in New South Wales—thanks to our Government. The report is about how we can improve our processes to do that. As I said, the recommendations will be implemented within 12 months of the Auditor-General's report being released.

As members well know, because they have asked me about this issue before, in July last year students were welcomed into the new Jordan Springs Public School—the brand-new school that we built. I visited the school a few weeks before it opened, and met with the principal, Kylie Becker, who is doing a wonderful job. She is one of our great principals. The school was built because it is in a growing area of Sydney. It has a strong reputation, so student numbers have exceeded projections. That has required the department to place demountables on the site for the beginning of the school year, but of course we are well aware of the growth in western Sydney. As

part of the project to build the new school, planning was included for a further stage to expand its permanent accommodation. That will provide places for more students, taking the site's total accommodation up to 1,000.

I will not apologise for having opened a new school. The ability to accommodate students at Jordan Springs Public School reduces pressure on existing schools in the area. Of course, we will need to continue building new and upgraded schools. That is why our Government will invest \$7 billion over the next four years to continue our program of 200 new and upgraded schools.

The Hon. SHAOQUETT MOSELMANE (12:32): I ask a supplementary question. Will the Minister elucidate her answer with respect to the implementation of the Auditor-General's report within 12 months? Will Jordan Springs Public School's overcrowding be resolved within that 12 months?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32): As I said, we are well aware of the need to expand Jordan Springs Public School—the further stage for its permanent accommodation—to enable more students to attend. We will keep the community updated as that project progresses.

BUSINESS CONNECT

The Hon. SAM FARRAWAY (12:33): My question is addressed to the Minister for Finance and Small Business. Will the Minister explain how the New South Wales Government's Business Connect has helped small businesses meet the challenges of COVID-19 and how the Government is looking to supercharge this already fantastic program?

Mr Justin Field: Point of order: Clearly, the member made a debating point in his question. I ask that it be ruled out of order.

The PRESIDENT: There is no point of order.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:33): I thank the member for his question and for his continuing interest in small business, having come from a small business background. As all members in this place know, small businesses are the backbone of their communities. The New South Wales Government is committed to supporting small businesses to start, run, grow and adapt as a critical component of our priorities for the economic growth of this State. Business Connect is a game changer. It is a network of more than 130 accredited business advisers providing professional, independent advice to small businesses throughout New South Wales. The program has been critical during the global health pandemic, particularly for small businesses in regional areas and businesses seeking to improve their digital capacity. It is making a difference.

Since 2017 up to 40,000 small businesses have been helped under this program. New small business Violet & Gold is only one example—a business aiming to take the hospitality world by storm with its French-inspired botanical mixers for the drinks industry made with Australian native ingredients, such as wattle seed, Tasmanian pepper and lemon myrtle. Owners Nathalie Gits and Marie Lang contacted Business Connect to boost their business skills, and they took part in a number of Business Connect webinars. A Business Connect adviser also arranged for the owners to visit a liqueur factory, giving them the chance to learn more about the industry they were getting into. That is only one example; there are thousands more.

As part of its 2021 budget, the New South Wales Government committed \$39.3 million to extend the Business Connect program for three years. Now we are looking for feedback on how we can make the program better and greater. Feedback from the Business Connect program Have Your Say will be evaluated by an external organisation, Accenture, which will provide recommendations on how the New South Wales Government can deliver even better support for small businesses in the future. The survey will go live tomorrow afternoon. I encourage everyone to jump online and have their say. Consultation will be open until 24 May. If the shadow Treasurer were here, I am sure he would be on his feet wanting to make a submission. The Hon. Daniel Mookhey, who is sitting in the gallery, will be making a submission because he loves this program. We encourage all those who are interested in small businesses to go online and tell us how we can make small businesses better.

The Hon. SAM FARRAWAY (12:37): I ask a supplementary question. Will the Minister elucidate that part of his answer where he referred to a network of more than 130 accredited business advisers providing professional, independent advice to small businesses throughout New South Wales? How many of those advisers are based outside Sydney in regional New South Wales?

The Hon. Penny Sharpe: Point of order—

The Hon. Sam Farraway: It ticks all three boxes.

The Hon. Penny Sharpe: First, that is a new question. Secondly, it is an interesting move from the Government to start asking supplementary questions about their own Dixers. The Opposition will watch that development with interest.

The PRESIDENT: The question satisfies the three-point test. The Minister has the call.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37): I thank the member for his supplementary question. Of the 10 organisations currently delivering independent advice through Business Connect, five are regional providers. Of the 40,000 small businesses supported by Business Connect since January 2017, 55 per cent have been in regional New South Wales and 64 per cent of Business Connect events have been held in regional New South Wales. For example, in the Upper Hunter advice is available from 17 Business Connect advisers with a range of expertise and experience: Lisa Harpley in mining; Brooke Phillips in construction; Lena Vestad Hansen, who has expertise in wholesale trade; Fiona Moylan in accommodation and food services; Laura Hughes in agriculture; Gordon Whitehead in IT; Rebecca Morley in tourism; Reda Haddadeh in financial and insurance services; and Kate Mole in health care and social assistance. What a fantastic spread of experience and expertise!

I encourage small businesses in the Upper Hunter and, indeed, throughout New South Wales to jump online at the Have Your Say website and put forward their suggestions as to how the New South Wales Government can continue to support them in making their invaluable contribution to the COVID-19 economic recovery and the future of this great State. There is no doubt that in the Upper Hunter small business is a big focus for the revival of the State's economy. This Government is absolutely behind supporting small businesses throughout regional New South Wales. That is certainly evident in a lot of the material that I see from people in the Upper Hunter.

The Hon. DANIEL MOOKHEY (12:39): I ask a second supplementary question. Will the Minister elucidate that part of his answer where he talked about the consultation process to Business Connect? Will that consultation process investigate why the Premier unilaterally decided to transfer Business Connect away from the Treasury cluster without telling the Minister?

The Hon. Don Harwin: Point of order: That is a completely new question. It concerns the administrative arrangements and the allocation of Acts. It has nothing to do with the original question asked of the Minister. There is no nexus. It fails the first test, let alone the second and third.

The Hon. Daniel Mookhey: To the point of order: I address the point of order of the Leader of the Government in two parts. The first part relates to whether or not this is connected to the matters upon which the Minister has administration under the administrative orders. It goes precisely to that point as to why the Premier unilaterally decided to transfer responsibility away from him despite the administrative orders. But insofar as it does not satisfy the first part of the three-part test, the first part is that the supplementary question has got to be related to the substance of the question. The Dorothy Dixer that was put by the Government member relates clearly to the consultation process around Business Connect—the question satisfies that.

But, Mr President, while I have got you I might say why the question satisfies the other two parts of the test as well. The supplementary question has to arise from an aspect of the Minister's answer, which it clearly does. He told us at great length about the consultation process and the opportunity to provide submissions. Also, it has to seek an elucidation. The specific elucidation I would like is whether or not this consultation process will investigate the Premier's decision to take Business Connect out of the Treasury without telling the Minister.

The PRESIDENT: I congratulate the Hon. Daniel Mookhey on a wonderful dissertation. It was a very eloquent contribution. However, I think his supplementary question fails the first part of the test. I rule the question out of order.

CULBURRA ABORIGINAL HERITAGE SITE

Mr JUSTIN FIELD (12:42): My question is directed to the Aboriginal affairs Minister. What is the status of the Heritage NSW investigation into the significant find of artefacts at an approved residential development site at East Crescent, Culburra? Will Heritage NSW consider withdrawing the Aboriginal Heritage Impact Permit for the site, given the significance of the find, which is well in excess of what the existing permit had anticipated? What engagement has there been either with his office or Heritage NSW and the Jerrinja Local Aboriginal Land Council in regard to this issue?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:42): It is an issue I am quite familiar with. The honourable member will not be surprised to know that I know East Crescent, Culburra and that whole area very well, so there is a great deal of information that I could provide the member. I will have a go at doing so because I have information on virtually every matter that he raises. Due to the high number of stone artefacts and potential

hearth features identified, the Jerrinja Local Aboriginal Land Council [LALC] requested work stop and the Aboriginal Heritage Impact Permit [AHIP] be revoked.

The LALC verbally advised Heritage NSW on 11 March 2021 that it would be formally requesting the permit be revoked. However, at the moment I am advised that a written request has not yet been received by Heritage NSW. I assure the member there has been extensive interaction between Jerrinja LALC and Heritage NSW on this issue. Of course, Jerrinja has also been active in raising this with Minister Stokes and Minister Hancock on 15 March 2021, perhaps in her responsibility as the member for South Coast. I acknowledge the concerns raised by the Jerrinja LALC and can advise the House that Heritage NSW is working with it to explore opportunities for improved Aboriginal cultural heritage outcomes for the site. I am advised that on 18 March 2021 the developer, Sealark Pty Ltd, voluntarily paused the salvage excavations until 18 June 2021 to allow for negotiations between all parties and an analysis of the current excavation results.

Under the current AHIP permit, development cannot proceed until all salvage and monitoring works are complete. The AHIP requires that a representative of the registered Aboriginal parties is provided with an opportunity to monitor all ground disturbance works. The monitoring must be in accordance with the methodology prepared by Austral Archaeology that was provided with the AHIP. That methodology states that monitoring will be conducted by an archaeologist and representatives of the Jerrinja LALC. Should development proceed without the completion of the salvage excavations or without monitors present there would be a breach of the AHIP conditions. Just to provide those members in the House who are not— *[Time expired.]*

Mr JUSTIN FIELD (12:45): I ask a supplementary question. Will the Minister elucidate his answer with regard to the consequences raised by him? What would be the result should there be a breach of the conditions of the AHIP by the proponent?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:46): Of course, I am hoping it will not come to that because the salvage excavations are approximately 50 per cent complete and the results are preliminary. To date, excavations within the development footprint have recovered high-density stone artefact scatters, an intact archaeological deposit and possible hearth features. This indicates that the area may be more significant than originally believed, so I am taking very seriously the LALC's concerns about the high number of stone artefacts and potential hearth features that have been identified.

I am monitoring it very closely. I hope it does not come to the scenario that the honourable member has mentioned. However, given he is now interested I am very happy to make sure he gets a full briefing on what we are doing. We are trying to work proactively with the developer to ensure that there is no impact on Aboriginal cultural heritage. The finds are clearly much greater than were originally planned and we are getting towards the pointy end of the pause period that was agreed upon. We will watch it very carefully and I am very happy to arrange a briefing for the member.

RURAL AND REGIONAL SCHOOL STAFFING

The Hon. MICK VEITCH (12:47): My question without notice is directed to the Deputy Leader of the Government, and the Minister for Education and Early Childhood Learning. Given there are schools in rural and regional areas that did not receive a single application through the Rural Experience Program in term 2 and many of these schools are struggling to fill teacher vacancies, what is she doing to support the schools' desperate need for staff?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:48): I thank the honourable member for his question about rural staffing and the work that we are doing for our schools. I do so acknowledging that obviously he is from a regional area so I know that, like me, he would be well aware of some of the challenges that exist. It is something that we take extremely seriously. In regard to the particular program that the member mentioned, obviously that is one way we can bring teachers out to have that time in a rural community. I know that it is popular with schools that do it. In fact, just a few weeks ago I was out in Broken Hill having a roundtable with a number of principals not just from Broken Hill but also from all over the Far West network, talking about what we need to do to encourage teachers to come to regional communities. They did speak to me about how valuable they did find that program.

As the member would be well aware, earlier this year we launched the new Rural and Remote Education Strategy to look at what we can do to better support our rural and remote schools. There is an equity problem when it comes to education in regional New South Wales. I have been quite public about that. We need to make sure that we are supporting our regional students, schools and teachers to close the gap that exists between regional and metro students. As the member knows, we will be setting up a new unit within the Department of Education to work on rural and remote education policy. The applications for tender for the director of the unit are currently

open and the response has been really positive, which is very exciting. It is important that the right people who live in regional New South Wales are in the department to work on those issues.

The Government is also looking at rural and remote incentives, seeing what needs to be done to not only encourage teachers to come to regional New South Wales, but also get them to stay there. It is one issue to attract them, it is another to retain them in the workforce. The round table I held with principals from the Far West network provided some really valuable insights. They had a lot of really good ideas about what they would like to see added to the current systems that are working well. It is important that we engage with regional principals and teachers about this. We need to hear from them. We need to hear from those who were in the city and moved to the regions. What made them come? What made them stay? We also need to work with our universities and final-year teaching graduates to encourage them to regional communities.

This week applications opened for the FASTstream program, which is all about recruiting our best and brightest as principals. Part of that recruitment will include placements in regional schools. We know that if we can get people to spend time in regional communities and experience the fantastic lifestyle in regional New South Wales, they are much more likely to stay. A lot of work is going on in that space. It is incredibly important. As members know, it is something that I feel very passionately about. We need to support regional schools by attracting and retaining teachers in regional New South Wales.

The Hon. MICK VEITCH (12:51): I ask a supplementary question. I thank the Minister for outlining some of the longer-term strategies to assist with filling some of the teacher vacancies in regional New South Wales. Will the Minister elucidate her answer to explain what is being done in the medium to short term to support the rural and regional schools that are currently struggling to fill their teacher shortages?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51): The local department staff on the ground and our directors of educational leadership, who are each responsible for 20 schools, work very closely with individual principals to manage issues around staffing, and they will continue to do so. I have put on the record before that there are around 70,000 permanent teachers in New South Wales. From time to time, staffing levels fluctuate so some schools will have a shortage that needs to be filled. But the last figures that I saw from a few weeks ago showed that the vacancy rate is sitting at around 1.5 per cent. We need to put that in proportion. Not only do we need to make sure that we fill any permanent vacancies, but also we need to recognise that, by and large, permanent positions are currently filled. We work very closely with school communities when there are vacancies.

A number of incentives are available to teachers who come out to rural and remote schools. There is the Rural Teacher Incentive of between \$20,000 and \$30,000. There is a \$10,000 experienced teacher benefit, payable for up to five years. There is an annual \$5,000 retention benefit payable for those who maintain proficient status or equivalent for at least six years. There are also rental subsidies of between 50 per cent and 90 per cent, recruitment bonus payments, additional personal leave and other leave, locality and cost-of-living allowances, a 10-week trial prior to permanent appointment and sponsorship for professional development.

All those incentives apply to the 155 rural and remote incentives schools in New South Wales. There is also the teach.Rural Scholarship, which gives initial teacher education graduates the opportunity to receive financial support while they are studying, on the condition that once qualified they spend time in regional schools. There is a lot happening in this space. We will continue to work with regional school communities to provide support. It is incredibly important that we have the teachers we need teaching in rural and regional schools.

The Hon. COURTNEY HOUSSOS (12:53): I ask a second supplementary question. Will the Minister elucidate the part of her answer where she spoke about the vacancy rate? Is the department tracking the number of teachers in high schools who are teaching outside the discipline in which they were trained? What are the latest figures?

The Hon. Sarah Mitchell: Point of order: That is a new question. Nowhere in my answer did I canvass any of those issues.

The Hon. Courtney Houssos: To the point of order: My second supplementary question goes directly to the question of teacher shortages. The question that the Opposition asked was about teacher shortages in rural and regional areas. Not only is my second supplementary question about teacher shortages, but also it is about how those shortages are being filled. It is an elucidation of the question that was asked. It directly relates to the answer that the Minister provided, therefore it should meet the test.

The PRESIDENT: The second supplementary question is out of order. It is largely a new question.

INDIGENOUS VOICE

The Hon. NATASHA MACLAREN-JONES (12:55): My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on New South Wales' contribution to the Indigenous Voice co-design process?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:55): I am very happy to answer the question, and I thank the honourable member for it. The national Indigenous Voice, which has been proposed by the Hon. Ken Wyatt, has been the subject of an extensive consultation process.

The Hon. John Graham: Finally we get a real answer. This is fantastic!

The Hon. DON HARWIN: It would be much easier if the honourable member did not interject.

The Hon. John Graham: Precisely!

The Hon. Penny Sharpe: This is your Dixie.

The Hon. DON HARWIN: Yes, that is fine and all the staff are—

The PRESIDENT: I remind members that all interjections are disorderly. The Minister will not respond to them.

The Hon. DON HARWIN: The national Indigenous Voice co-design process that has been adopted is a very good one that has involved extensive consultation. Earlier this week I met with Chris Ingrey at Kamay Botany Bay National Park. He was a member of one of the key working parties that came up with the arrangements that are being proposed for regional voices. The key to how the national voice will operate will be to have a series of regional voices that will feed up to it. The interim report outlines options for the two levels of the proposed Indigenous Voice: A national voice to the Australian Government and local and regional voices to all—

The Hon. Mark Latham: Point of order: I know there is some levity about this, but no self-respecting Chamber would allow this to happen. The Minister is paid \$400,000 a year, plus a driver and all these entitlements. Taxpayers would expect that the Minister, having had a question asked by his own side, would have an answer that he could provide without someone who has written a different answer providing it to him in written form. It is a disgrace to the Chamber.

The Hon. DON HARWIN: Well, why do we not do it this way? I will put down my notes and I will not use them.

The Hon. Mark Latham: Good on you. You should have rejected them.

The Hon. DON HARWIN: What is proposed by the Federal Government is effectively a three-tiered approach: a national voice, a regional voice and a series of local voices that feed up to the regions. One thing that New South Wales has included in its comment back to the Federal Government is that it does not think sufficient thought has been given to reflecting culture, language, nation, native title, and possible native title claims and the interests they represent. The idea—as has been proposed by the Federal Government—that there can be five regions only in New South Wales is, we think, a mistake. We always need to remember that New South Wales represents a minimum of 30 per cent of Australia. And, in fact, more than 30 per cent of the country's Aboriginal people are residents of New South Wales. [*Time expired.*]

ANIMAL WELFARE

The Hon. EMMA HURST (12:58): My question is directed to the Leader of the Government, representing the Minister for Local Government. According to media reports, record numbers of cats and dogs are being dumped following the pandemic boom in acquiring animals. Rescue Hub dog shelter in western Sydney cannot take on any more animals due to financial pressures. What is the Minister doing to address the large number of animals being surrendered? What assistance is being offered to shelters struggling with the influx of abandoned animals?

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 member for her question. I am happy to say the Minister for Local Government is committed to promoting responsible pet ownership across the State and continues to work with councils and animal welfare agencies. Since 2015, the New South Wales Government has provided \$1.66 million to fund half-price registration for pets adopted from pounds and shelters. This helps to ensure that cats and dogs that are not reclaimed by their owners are more quickly adopted by new families. In May 2020, responding to the COVID-19 pandemic, the Government delivered an additional \$512,000 to all council-run pounds across the State to ensure that they ran as close to normal as possible and that the welfare

of the animals in their care was maintained. That was in addition to more than \$30 million for local councils in the past five years through our Companion Animals Fund.

Additionally, registration fees for cats were reduced by \$10 from 1 July 2020, which will create a stronger incentive to register and desex cats and encourage people to adopt cats from pounds and shelters. Last year, annual permits for non-desexed cats and dangerous and restricted dogs were introduced as part of the Government's commitment to create stronger incentives for pet owners to desex cats. Owners of cats not desexed by four months of age are now required to pay an \$80 annual permit fee in addition to their one-off pet registration fee. Owners of dogs declared to be dangerous or of a restricted breed are now required to pay a \$195 annual permit fee per dog in addition to their one-off lifetime pet registration fee. Desexing cats improves their health and wellbeing, lowers demand on pounds and helps to address concerns about feral, stray and roaming cats. Annual permit fees go directly to the Companion Animals Fund, which pays for companion animal management by local councils—

The Hon. Emma Hurst: Point of order: The answer is not directly relevant to the question. The question is: What is the Minister doing specifically regarding the influx of animals post the pandemic? The information being provided by the Minister is general information about what the Government is doing to encourage adoption from pounds prior to the pandemic and during the pandemic. I ask that you request the Minister to directly answer the question.

The PRESIDENT: The Minister will directly answer the question.

The Hon. DON HARWIN: I am happy to do that. More recently, the Minister for Local Government announced the Government is providing RSPCA shelters across the State with \$10.5 million to fund capital upgrades. I hope the member regards that as directly on point. These enhanced facilities will help the RSPCA carry out the important work it does, particularly around its pet adoption services. The Government has now provided a total of \$30 million to the RSPCA to undertake important upgrades and improvement works. The programs and funding contributions demonstrate the Government's commitment to promoting responsible pet ownership and do address some of the issues that the member has raised.

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

FIXING LOCAL ROADS PROGRAM

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:03): Earlier in question time the Hon. Robert Borsak asked me a question about roads in the Dungog area. I can provide some information that will assist him. The Government is investing more money than ever before in regional roads. It is investing \$500 million through the Fixing Local Roads program to help councils repair, maintain and seal priority roads in their local communities. They are the roads that families use every day to get to work, school and home again. Dungog has received more than \$5.4 million through the first two rounds of the program, including all three of the projects it applied for in round one. It will fund work on Paterson River Road, Summer Hill Road, Salisbury Road and Flat Tops Roads.

I am advised the Minister for Regional Transport and Roads was in Dungog only last week, where work is now underway on the first of those projects: Summer Hill Road out near Vacy. He also met with council to discuss its priorities for the local road network. I am advised there is still more than \$300 million in funding available for future rounds, with the next funding round set to open in the coming months. We are not just helping councils improve local roads; we are also making it possible for them to replace aging timber bridges. Dungog Shire Council will receive more than \$16 million to replace 23 of its bridges with structures that are safer, stronger and more resilient to natural disasters such as fires and floods. Since 2011, the Government has invested more than \$92 million in roads and bridges across the Dungog local government area.

NGARABAL PEOPLE AND MOLE RIVER DAM

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:04): Yesterday in question time the Hon. Cate Faehrmann asked me a question about an Aboriginal massacre site that has been recently located near the proposed Mole River Dam. Cultural heritage holds deep significance for Aboriginal people. It is inextricably linked with connection to country, shaping identity and the practice of culture. This Government is committed to supporting Aboriginal self-determination and improving the way Aboriginal cultural heritage is managed in New South Wales. As stated yesterday, I understand that an allegation was made at a public hearing regarding unprofessional conduct during interaction with Aboriginal stakeholder groups associated with the Mole River Dam proposal.

I am advised that WaterNSW will work with Aboriginal stakeholders to better understand these claims. The project is engaging with 45 official registered Aboriginal parties and another 40 parties that are not official

registered Aboriginal parties but that want to remain engaged. The draft Mole River Aboriginal Cultural Heritage Report will soon be provided to registered Aboriginal parties for their feedback and input. The finalisation of this report, taking on board feedback from registered Aboriginal parties, will confirm the relationship of any culturally significant site to the proposed inundation zone. I will ask the Minister responsible for the proposed Mole River Dam project, the Minister for Water, Property and Housing, to update me on the progress of those discussions.

POWERHOUSE PARRAMATTA

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:06): Yesterday in question time the Hon. Rose Jackson, who is present in the Chamber, asked me a question about dust at the Powerhouse Museum, Ultimo. The 2021 exhibition program includes plans to present a new transport exhibition in the Transport Hall. The exhibition "Microcars"—which I know will be enormously popular—will feature microcars from the Powerhouse collection that is kept at Castle Hill. I have been privileged to see them. The exhibition will include a selection of loans from notable Australian collectors. It will also examine contemporary electric and hybrid microcars such as the Renault Twizy and the Smartcar. In order to facilitate this exhibition and to comply with safety standards, the museum removed the 1988 display cabinets within the Transport Hall.

The cabinets were found to no longer meet fire safety standards and were deemed noncompliant. The viewing platform above the plinths was also an accessibility issue as it could only be accessed via the stairs. All work undertaken across the museum is led by the museum's professional conservators and curators to ensure the care and safety of the collection at all times. The museum is committed to ensuring that the exhibition furniture is reused to align with the museum's sustainability principles. Other than the removal of the showcases and the creation of the microcars exhibit, no further work is planned for the Transport Hall. Museum conservators were monitoring the levels of dust throughout the works and ensured that objects were safe at all times.

REGIONAL HEALTHCARE FACILITIES

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:08): Earlier in question time today the Hon. Mark Banasiak asked me a question about inhalers and EpiPens at Wee Waa High School. At that time I said I wanted to speak to the principal. I have not done that as I have been in the Chamber. I have received some advice from the department in relation to this matter, which is that every child who needs an inhaler or EpiPen can carry one with them at all times on school grounds. Any suggestion that students at Wee Waa High School have been banned from carrying these items are false. All schools must also carry an EpiPen in their first aid kit.

Supplementary Questions for Written Answers

WEE WAA HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (13:09): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister elucidate her answer and outline what was the exact date that the Wee Waa High School was closed at the former site? What date did high school students commence schooling at the primary school site?

WEE WAA HIGH SCHOOL

The Hon. MARK BANASIAK (13:09): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister elucidate her answer regarding whether the community has been provided advice as to the direct source of contamination at both the high school and its transference to the primary school?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. ADAM SEARLE: I move:

That the House take note of answers to questions.

COVID-19 AND SCHOOL CLEANING STANDARDS

The Hon. ADAM SEARLE (13:10): I draw to the attention of the House the exchange between the Deputy Leader of the Government and me over the issue of COVID-19 enhanced cleaning measures and whether they will remain in place in schools beyond the end of term 2. I think the Minister's response was quite revealing about this Government's attitude to expert advice around the handling of COVID-19 and the Government's willingness or lack of willingness to share that both with this House and through this House with the wider

community. I note the Minister is leaving the Chamber in the middle of this contribution. The fact is that the question was asked about whether there would be cleaning beyond term 2.

The Hon. Shayne Mallard: Point of order: Mr President, you will note that the previous President, the Hon. John Ajaka, ruled that it was disorderly to refer to a Minister or member leaving the Chamber during a speech or, indeed, referring to their not being in the Chamber. He made that very clear in one of his rulings.

The Hon. ADAM SEARLE: To the point of order: I was actually making the point that I was discussing the very exchange between the Minister and me and she was in the process of departing. That is not disorderly.

The Hon. Shayne Mallard: To the point of order—

The Hon. ADAM SEARLE: If the Hon. Shayne Mallard keeps this up, it can be done on both sides.

The PRESIDENT: Order!

The Hon. Shayne Mallard: I do not think it is appropriate to threaten me.

The Hon. ADAM SEARLE: I didn't. You are taking up my time. I have three minutes.

The PRESIDENT: Order! Both members will come to order.

The Hon. Shayne Mallard: You want an independent President. I am giving him some advice, or a point of order.

The PRESIDENT: Order! To the point of order.

The Hon. Shayne Mallard: Mr President, the submission is—and you may wish to check on the previous President's ruling on this—he made the point that members have other duties they need to attend to and it is appropriate for them not to be in the Chamber. It is improper to reflect on them either not being here or departing when they are doing their parliamentary duty. That is the very serious point that he made and it has been upheld a number of times.

The Hon. ADAM SEARLE: A Ministers is also responsible to the Chamber for the management of their portfolio, which I was discussing directly.

The PRESIDENT: The Hon. Shayne Mallard makes a valid point of order. I encourage the Leader of the Opposition to deal with the substance of his contribution.

The Hon. ADAM SEARLE: Thank you. The substance is this: We want to know what is the advice the Government is acting on? The Minister said that if the advice changes, presumably there will be further deep cleaning in term 3. But the supplementary question I asked was: What are the criteria by which that advice would be given or not? The Minister said, "Well, we'll take the advice." It sounds like the Minister and the Government are some empty vessel that will just receive advice. The community and the Parliament deserve to know the criteria by which the experts will provide that advice or not.

SEXUAL ASSAULT STATISTICS

The Hon. ROD ROBERTS (13:13): I take note of a written answer provided to me on 12 April 2021 by the Minister for Police and Emergency Services, the Hon. David Elliott. This was in response to a question without notice asked of him through his representative in this Chamber, the Hon. Damien Tudehope, on 23 March. The question related to an opinion piece in *The Daily Telegraph* on 18 March this year. The Commissioner of the NSW Police Force, Mick Fuller, wrote—and I emphasise "wrote"; he was not quoted, he was the author of the piece in the newspaper—that there were 15,000 reports to the NSW Police Force of sexual assault in the last year.

From the Minister's answer, it has been ascertained that that was not factually correct. According to the Minister, in 2020 there were 15,580 incidents of a sexual nature. I will come back to the importance of that term in a minute. "Of a sexual nature" covers a broad range of offences, including indecent assault, sexual servitude, indecent exposure, possessing of child pornography and even incest. While I do not condone in any way, shape or form any of those offences, they are not sexual assault. The Commissioner of Police should know, and in fact must know, that the definition of sexual assault, according to section 61I of the New South Wales Crimes Act is that of sexual intercourse. Section 61I of the Crimes Act in fact defines what sexual assault is.

To write that there were 15,000 cases of sexual assault is clearly wrong and misleading. Why Commissioner Fuller said this is of great concern. Was he swept up by the publicity out of Canberra or perhaps the Me Too movement? Was it an attempt to justify his folly and failure in public policymaking with his disastrous consent app? Or perhaps he set out to deliberately mislead the community? Who knows? I will be greatly interested to see his response. It is incumbent upon the Commissioner of Police to deal in facts and evidence. This is necessary to maintain public confidence in the NSW Police Force and the justice system in general. To falsely

mislead is not only wrong but it led to unfounded, unwarranted and unnecessary apprehension and fear within the community.

Members of the public, predominantly women, expressed their concern to me about these figures, for, if Commissioner Fuller was to be believed, there would be over 40 sexual assaults a day. Women in particular would be terrified and scared to walk the streets. This is clearly not the case. There is no bigger supporter of the hardworking men and women of the NSW Police Force in this Chamber than me. What I will not do though is idly stand by when false and misleading information is published. I call upon Commissioner Fuller to come clean in relation to the true facts and urge him in any future public statements to deal in facts and evidence only, and leave the rhetoric to others.

WEE WAA HIGH SCHOOL

The Hon. SAM FARRAWAY (13:16): I take note of answers given by the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, regarding Wee Waa High School. I want to make a few points on the record. As someone who has been to the high school several times with the Minister, been to the public school, met onsite with the principal, and spoken with a lot of the community and a lot of the families, who gave a lot of feedback to me, I think it is important to get on record something that the Minister made clear today: The New South Wales Government takes the safety and wellbeing of those students and the staff at the Wee Waa High School very seriously. The Minister has taken it very seriously.

The Department of Education has been investigating and continues to investigate the causes of the reported allergic reaction and is taking steps to protect the health and safety of all the students and all the staff. The high school continues to operate on the primary school site as investigations continue to identify the source of contamination on the original high school site. Facilities occupied by the high school on the primary school site have been cleaned extensively and independent hygienists have been engaged by the Department of Education, and the department will continue to act on that advice. I have been there and I am sure that many across this Chamber have had dialogue with many members of the community. This is a complex issue and not a simple situation. If anyone thinks it is a simple situation, they are very misinformed.

It is important to note that every step has been taken to ensure the safety and wellbeing of everyone on that campus, including the support from medical treatment, extensive cleaning with fortnightly environmental cleansing to be conducted and the engagement of both the Hunter New England Public Health unit and an independent human health and environmental risk assessment team to undertake a health study of the staff of the school. It is also important to note that independent hygienists have confirmed that the school is safe and that they are engaged in that process. I have spoken with Minister Mitchell one on one about this. It is really important to note that the cleaning action is in response to what the community is asking for. It is in response to what the principal, Annabel Doust, is asking for.

I have met Annabel Doust on multiple occasions and I want to give her a shout-out because, under some very tough and complex situations for education in the Wee Waa community, she is doing a fantastic job of bringing people together to ensure that the students continue to get a good education under tough circumstances. I applaud what the Minister has done because I have been to the school with her. It is tough and she is doing a good job to ensure that the community is not divided. The only other point I would make to those opposite is that, yes, everyone has the right to ask questions of the Minister but if it crosses the line and becomes politicised, that will be a very sad day for the people of Wee Waa and this Chamber.

WEE WAA HIGH SCHOOL

SCHOOL INFRASTRUCTURE

The Hon. COURTNEY HOUSSOS (13:19): I take note of answers to questions asked by the Opposition on the remarkable contamination that is occurring at Wee Waa High School. The Opposition asked those questions on behalf of the community of Wee Waa who have very serious questions about the situation occurring at their local public high school. It was revealed today that students are being instructed to attend school with only the clothes on their back. Let me be clear: no schoolbags, no outside learning materials—only the clothes on their back. Weeks ago it was revealed that there was huge concern about potential cross-contamination because a printer and a bit of paper had been brought in from the old site. Today we heard that environmental cleans are occurring every week and that a forensic clean occurred only last Friday. What is going on at Wee Waa High School? What is the source of the contamination?

I too pay tribute to the principal at Wee Waa High School. I pay tribute to the staff and students and to the staff member who first raised these concerns in July last year. More than 50 students and staff are now suffering the health consequences of this mystery contamination. I pay tribute to the ABC New England North West for raising this important issue and for not being afraid to ask tough questions. This kind of mystery contamination

and having weeks of students relegated to remote learning again would never be allowed to happen in metropolitan Sydney. For three weeks last year, years 7 to 10 students learnt at home again. Parents are getting information by reading Facebook. What will it take for the Minister to say, "We are going to build a new school. We are going to do it now. We are going to do it here"? This is not acceptable in a public school in New South Wales in the twenty-first century.

Today the Opposition asked about the impending crisis in New South Wales schools. We heard from the Auditor-General that the State is going to run out of classrooms within years. We heard from the NSW Teachers Federation in a new report that the State will need 11,000 more teachers in the next decade. That is not new news to the Government. In 2016 the Auditor-General revealed that they were fast running out of classrooms. There has been no plan for this approaching crisis. As we have consistently shown in this House, students are learning in libraries and now we know that there are not enough teachers. What is the plan to fix schools in New South Wales?

REGIONAL AMBULANCE SERVICES

Mr JUSTIN FIELD (13:22): I take note of the answer given to the Hon. Rod Robert's question regarding ambulance services in Batemans Bay. It led me to reflect on a growing concern on the South Coast, in the Shoalhaven and in Eurobodalla in particular, about the adequacy of health and hospital services across the region. It comes to my mind because there was a report this week in local media that there is a real community push to return birthing services to Milton Hospital. It comes after Enya and Ryan Adams were forced to give birth to their new baby, Soli, on the side of the road between Milton and Nowra last month. They were forced to drive past Milton Hospital in advanced labour and did not make it to the hospital. I believe the baby was delivered before any emergency services arrived to assist.

I declare that Enya is a client of my wife who works with pregnant women and does birth education and the like. She is very well aware of the services that are available for women and there is growing concern that the options are being taken away from women on how they can choose to birth. That can have long-term consequences on both the mothers and the children and poorer outcomes for both if those options are not available. The stresses of the experience of birth are added to. I think we need to take the concerns seriously because it is broader than that. There is a push for Greenfield Hospital in the Shoalhaven area because of the concern that the southern part of that area is not well serviced by hospital services. Just redeveloping Nowra hospital leaves the southern part of that district not well serviced, with a very long drive time to hospital services. It is a bit of a hospital and health desert in the southern Shoalhaven.

When I raised questions about that in budget estimates, including a question to the Government about the return of maternity services to Milton, there was a clear indication that it would not be returning those services. That is despite substantial population growth expected in our area. I thought it was a very useful question by the Hon. Rod Roberts. I raise it to recognise the concern in the community that is growing and to implore the Government to reassess the adequacy of those services against the population growth expectations because it is getting harder and harder. I congratulate Enya and Ryan on the birth of their child, Soli, and hope that we can ensure better services for future couples experiencing birth in our region.

REGIONAL HEALTHCARE FACILITIES

The Hon. SHAYNE MALLARD (13:25): I take note of the answer to the question I asked the Hon. Bronnie Taylor regarding the Tresillian facility at Macksville Hospital. It was very impressive to see these facilities being opened in rural and regional New South Wales. I congratulate the Minister on the launch of the brand-new purpose-built, family-friendly specialist residential facility for parents, babies and toddlers co-located within the maternity unit of the brand spanking new \$73 million Macksville Hospital. Macksville is a beautiful township. I am pleased to hear that it will provide specialist child and family health services to families experiencing early parenting challenges.

I cannot pretend to say I understand those issues; I am not a parent. But I have a friend who went through a dreadful post-natal experience with a baby who was crying all night and day and it triggered a mental health issue for her. She and the baby required respite care and it created a lot of stress for the family at home. My partner and I experienced that dreadful situation firsthand. These services are needed for those parents and families who have difficulty during that time. They are not just needed in the city; they are also definitely needed in rural and regional New South Wales. It is really quite heartening to see the investment and the Tresillian model being spread across the State.

I note that the service will work in conjunction with health and other government and non-government services to provide an integrated seamless service response for families. It complements the Family Care Centre at Coffs Harbour and the Tresillian 2U Mobile service that visits North Coast communities such as Kempsey,

Wauchope, Macksville, Nambucca Heads and Bowraville. In the past six years Tresillian has opened seven day services in areas such as Coffs Harbour, Wagga Wagga, Broken Hill, Queanbeyan, Dubbo—where my family is—and Taree. I congratulate Tresillian and the Mid North Coast Local Health District for working together to create the first residential service model of its kind in regional Australia. I hope that there are many more.

I also wish all the mothers out there a happy Mother's Day, particularly my Mum. I know Dad is always watching on the internet. Hello, Dad. Hello, Max. Hello, Mum. I will be up there this weekend—thank goodness—for some rest amongst the autumn leaves of Gladtoft. Happy Mother's Day, Mum. I am pleased to hear the Government is ensuring there are programs and services just like this one to support mothers and wrap a web of care around them across the State.

BUSINESS CONNECT

The Hon. DANIEL MOOKHEY (13:28): I would have liked for the Minister for Finance and Small Business to explain the turmoil that is being inflicted upon the hardworking people at Business Connect following the Premier's midnight decision to unilaterally transfer them out of the Treasury cluster and into the Department of Premier and Cabinet when she formed Investment NSW. Labor pursued this issue in budget estimates hearings. In fact, we exposed the circumstances that led to the creation of Investment NSW—or should I say the lack of circumstances, the lack of thought or any policy development whatsoever when it came to the formation of Investment NSW. This is a good idea, an idea that we should get behind. We should be on Team New South Wales, encouraging more businesses to locate in this State.

Sadly, the execution of this transfer has been poor. Do not take my word for it—just observe the departure of the Deputy Secretary from NSW Treasury who was responsible for Business Connect, the deeply respected Kim Curtin. She is now out of the New South Wales Government's service because the first time she found out that her entire unit was leaving the Treasury cluster was when she got an email from the Treasury secretary just prior to the Premier making this announcement at an Australian Financial Review Business Summit. If the Government were sincerely committed to Business Connect it would not have created such risk to the 11 people directly employed in the Treasury cluster who work exclusively on this program, and the network of advisers provided in Business Connect.

Equally, if the Government were committed to the future of Business Connect it would be able to explain precisely how Investment NSW will work. What is going to be its mandate? Is it going to have any legislation? What type of authority can Investment NSW have when signing up the taxpayers of New South Wales to deals with various forms of business? What level of public scrutiny is there for the work of that agency that Business Connect is now going to be a part of? These are reasonable questions that the many small businesses in New South Wales would like answers to. Alas, we heard none of that. Nor did we hear any explanation from the Minister as to why he was not told about this decision.

I have a high regard for the Minister for Finance and Small Business. We are not allowed to say that publicly about each other, but we do. I was taken aback. Let us be honest, the Minister for Finance and Small Business does not have many agencies or units that he is responsible for. Business Connect is one of them. One would have expected that with such a limited remit in his day-to-day capacity as the Minister for Finance and Small Business, he would know about the Premier's intention regarding one of those few agencies. He was not told. The implication is that the creation of Investment NSW and the disruption that that led to in the Treasury cluster was not even subject to a Cabinet process. A government seriously committed to small business would deliver much better than this.

WEE WAA HIGH SCHOOL

The Hon. MARK BANASIAK (13:31): I take note of the answers from the Minister for Education regarding Wee Waa High School. I preface my comments by saying that I take my hat off to the staff at Wee Waa High School. Not many honourable members would know that prior to my coming into this place my school had a traumatic event with a fire and we had to relocate to a primary school. I know what the staff are going through and the difficulties they are facing. I know for a fact that the support from the department in my case, and I imagine in the other case, is quite tokenistic and limited. We were essentially provided with an employment assistance card and told, "If you have any concerns, call them. Chin up, chaps! Go back and teach." I also know that a lot of the advice going out to parents would be coming not via the school or the principal but via the department's media or public relations unit, because that is what happens in situations like this.

I appreciate that the Minister obtained some advice, but it concerns me that she is not getting regular advice from the media unit, because that is where the advice that is going back to the parents should be coming from. As the Hon. Sam Faraway said, when we talk to the parents—and I have done this—the communication is not there. To have a notice posted on Facebook to say that the primary school is now being cleaned and do not bring anything

but the clothes on your back, and then a couple of hours later receive an email saying the same thing, is shocking communication. For a department media unit to provide that level of communication to a community just beggars belief.

The lack of communication and authentic consultation on what is happening at the school, what is happening with a potential future site is one of the biggest gripes of the community at Wee Waa. Everyone in that community knows where the department wants to put the school. What does that community call it? They call it "the swamp". Is a better outcome guaranteed on the new school site? The department needs to clean up its act, be fair dinkum in its communication with the community and tell everyone what is going on. It is mind-boggling that in response to questions about this serious issue Government members say, "Don't politicise it." I do not know what that means.

The Hon. Mark Buttigieg: It means don't ask questions.

The Hon. MARK BANASIAK: Don't ask questions. We are politicians. Community members come to us with concerns. It is our job to raise those concerns in this place. The notion of politicising is ridiculous. [*Time expired.*]

WEE WAA HIGH SCHOOL

The Hon. MARK BUTTIGIEG (13:35): I was not going to contribute to the take-note debate but I have to agree with my colleagues the Hon. Courtney Houssos and the Hon. Mark Banasiak on the issue of Wee Waa High School. The Opposition has the temerity to ask questions on behalf of the public and the Government uses the cloak of, "You are politicising the issue." That is code for, "Just go away. Trust us. We will manage it properly." Seriously? This Government ruined the building industry through mismanagement, ruined the workers compensation scheme through mismanagement and icare, and it wants us to trust it? Let us remember what this is about. Between 1 August and 30 November last year 28 students and 23 staff fell ill. Six months prior to that there were reports from staff that mould was causing people to fall ill. Fast-forward to now. We have finally got it clean and the Opposition has the temerity to ask basic questions such as:

Given that more than 50 staff and students fell ill due to mould exposure at Wee Waa High School, will the Minister now conduct an investigation into why staff, students and parents had to wait more than seven months before the Government decided to clean the school grounds?

This is politicising an issue? The second question is from my colleague the Hon. John Graham. He asked:

Given that her department only began a forensic clean of the demountable buildings at Wee Waa High School last Friday to get rid of the mould, which again forced students to take online classes from home, will the Minister guarantee—

I think this was the offending sentence, this is the politicisation—

that the issues are being solved and that the students and staff are safe?

It is ridiculous. We are not politicising the issue. We are representing the people of New South Wales and that school.

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

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TAYLOR MARTIN (13:37): As usual when the Government replies to the take-note debate, I look forward to jumping up to talk about some of the great work the Government is doing and going through each Minister's answer. As members opposite have talked about Wee Waa High School, I will start with that. As many members in this place know, I live with a chronic respiratory condition caused by mould in the built environment so this issue strikes a chord with me. It is something that matters to me and that is why I have spoken to the Minister for Education about this issue. I am very pleased to hear of the extensive work that is being done to ensure the good health of the students and staff at Wee Waa High School.

Labor's real shadow Minister spoke earlier about this issue, and it is important. The Hon. Courtney Houssos talked about the cross-contamination risk. That is a serious risk and must be minimised. All steps must be taken to ensure that there is no cross-contamination as this is being managed, regardless of perceptions and how it may well be twisted. Mould and mycotoxins are very insidious things that live in our built infrastructure. I have been well advised by the Minister that the facilities at the school have been cleaned extensively again and again, and it is continuing to happen. It is important independent hygienists are doing this work and that they are very experienced in these roles.

Further to Wee Waa, I was pleased to hear from the education Minister earlier on in question time about our Government's capital investment across the State. It was also great to hear the Treasurer himself join the

Minister. We should of course clarify, as the Minister did, that it was certainly before the Treasurer needed to self-isolate after the news of this morning. How appropriate it is for our Treasurer and our education Minister to visit after such a decent investment in improving our State's learning facilities, as well as delivering stimulus to local tradies throughout COVID.

There is an investment of \$450 million for the Regional and Metro Renewal Program, as well as the Regional Roof Replacement Program and of course the LED Lighting Upgrade Program, which is important across all government infrastructure assets. There are more than 1,300 renewal projects across 1,200 public schools in New South Wales. In the first tranche alone of the LED Lighting Upgrade Program 290 schools have been announced and it is anticipated that up to 1,000 schools will participate. Those stimulus initiatives are delivering new and improved learning facilities right across our State and are supporting more than 3,500 jobs. I will leave it there due to time.

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

Motion agreed to.

Written Answers to Supplementary Questions

SCHOOL INFRASTRUCTURE

In reply to **the Hon. COURTNEY HOUSSOS** (5 May 2021).

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

There are legal requirements that the Department of Education must comply with in delivering the New South Wales Government's record investment in new and upgraded schools.

This may require the department to engage an external provider to deliver an outcome or service in areas such as architecture, quantity surveying, construction or community consultation.

All engagement of external providers undertaken by the Department of Education complies with NSW Procurement Guidelines.

Presiding Officers

TEMPORARY CHAIRS OF COMMITTEES

The PRESIDENT: I am delighted to advise honourable members that the current serving Temporary Chairs, the Hon. Shayne Mallard and the Hon. Courtney Houssos, will both continue to serve in these roles. I will advise the House of the appointment of a third Temporary Chair in due course.

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

Documents

TABLING OF PAPERS

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

- (1) Annual Reports (Statutory Bodies) Act 1984—Report of Wine Grapes Marketing Board for year ended 31 December 2020.
- (2) Smoke-free Environment Act 2000—2020 Report on the Review of Exemption for Private Gaming Rooms.

I move:

That the reports be printed.

Motion agreed to.

Disallowance

WATER MANAGEMENT (GENERAL) AMENDMENT (FLOODPLAIN HARVESTING ACCESS LICENCES) REGULATION 2021

WATER MANAGEMENT (GENERAL) AMENDMENT (EXEMPTION FOR RAINFALL RUN-OFF COLLECTION) REGULATION 2021

WATER MANAGEMENT (GENERAL) AMENDMENT (FLOODPLAIN HARVESTING MEASUREMENT) REGULATION 2021

Debate resumed from an earlier hour.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:03): Before question time today I was reflecting on what occurred in the Shooters, Fishers and Farmers party room. The Shooters have

held a position on this regulation which is absolutely incomprehensible. In fact, it leads one to the conclusion that there was some difficulty in their party room. I thought there were suggestions of perhaps disendorsing a candidate. We have now heard more. During question time in the other place, we heard about chairs being thrown in respect of a disagreement in the Shooters party room. This party was started by John Tingle and has been represented by the likes of Robert Brown. Those antics would never ever have played out when those two people were members of that party. Robert Brown, who was an ornament to this place, would have in fact never engaged in that level of politicking that has surrounded the disallowance motion that has been moved.

One might say it is a tragedy that Robert Brown is no longer representing the Shooters party in this place, but that is as it is. What I would ask that is very relevant at this time is this: What is your identity as a party? Who are you? What do you represent to the people of New South Wales as the things that you stand for? One thing we would say to the Shooters is this: Let us stop the sham. Let us call them Country Labor. That is in fact their brand now. They vote only with their puppet masters, the Labor Party. So let us stop the sham. Why do they not move to the Opposition benches, just as their colleagues in the other place have done? They are the true Opposition. Let them just move there, stay there and be part of the Opposition. That is what the Shooters party should be doing.

The Hon. Adam Searle: Point of order: The Minister's disorderly conduct has two problems. First, he is grossly misrepresenting the situation in this House. Secondly, although he is referencing their party, it is quite clear that he is reflecting directly on the two Shooters, Fishers and Farmers MLCs in this Chamber. For contextual evidence, the lamentation about the lack of presence of Mr Robert Brown in the Chamber—of whom I was very fond—is at the very least an implied reflection on the Hon. Mark Banasiak, who is here in his place. It is quite clear that the honourable member who represents the Treasurer on the opposite side is of course directly reflecting on members of this House. He should not do so other than by direct and substantive motion, and he should be called to order.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is no point of order. The Minister may proceed.

The Hon. DAMIEN TUDEHOPE: I must say, it says a lot that that point of order was taken. In many respects, notwithstanding that they love them so much, members opposite certainly do not want the Shooters as part of their party. Having said that, the Shooters party act like Country Labor. It votes with Labor. It acts on the commands of the puppet masters on the opposite side of the House.

The Hon. Adam Searle: Point of order: The Minister is now reflecting on the Labor Party. This must stop. Those opposite are battered and bruised in what has been a turbulent week, which is just from their own internal discussion about misapplied tactics. The Minister should be called to order.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Minister is in order—and running out of time fast.

The Hon. DAMIEN TUDEHOPE: I am sure the Opposition would want me to finish. The reality is that if one looks at a party to represent and not betray the interests of the people of New South Wales, one would never ever invest in a vote for a party that is able to sell its soul away like the Shooters, Fishers and Farmers Party has sold its soul. It is not the party that it represents itself to be and is in fact grossly misrepresentative of the people. In what is a really important issue, the contribution of the Shooters, Fishers and Farmers Party has been to say one thing in Barwon and another thing in Murray.

The Hon. Adam Searle: Point of order: The Minister continues to misrepresent the situation. He is now reflecting on his colleagues in the National Party about the way they conduct themselves in the bush and in the city.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is no point of order. The Minister may proceed.

The Hon. DAMIEN TUDEHOPE: The Shooters say one thing in Barwon and another thing in Murray, and it just suits the narrative that they want to run at any particular time. That is the sort of narrative the people ought to see that this party is representing and in fact identify the Shooters, Fishers and Farmers Party as the mere puppets of the Labor Party.

Ms CATE FAEHRMANN (15:08): After everybody has worked so hard to try to get some sense of a healthy Murray-Darling Basin system in New South Wales for a very long time, it is a kick in the guts to all of us to be standing here on the disallowance motion that has been moved today. After the consultation and effort of so many people that has gone into this, it is absolutely extraordinary for the Minister to then disregard it all and arrogantly push through these regulations and not expect them to be disallowed by this place. She has not

addressed the concerns of the Legislative Council. She has not addressed the concerns of communities along the Darling-Baaka River, other downstream communities, or scientists and environmentalists.

If the regulations are not disallowed, they will allow the Government to facilitate one of the greatest crimes against nature this country has ever seen. They will legitimise and make permanent a form of water take that has never been licensed, measured or accounted for under the cap and that has been depriving communities, farmers and Aboriginal nations along the Darling-Baaka and the Menindee Lakes. In doing so, they will hand out compensable licences with water entitlements worth millions of dollars, probably hundreds of millions of dollars. If that happens, any future Minister, or future government that has the courage or common sense to return this water to the environment will have their hands tied when faced with the political reality of spending hundreds of millions of dollars—maybe billions by the time it is done—to buy that water back. That is what the irrigation lobby groups that have been trawling the halls of this place are trying to achieve. That is why they are so desperate to make sure these regulations survive the scrutiny of this House.

The regulations do not achieve the objects of the Water Management Act 2000. They do not fulfil the requirements of the New South Wales Government under the Murray-Darling Basin Plan. They are the latest in a long line of rorts by The Nationals and their big irrigator donor mates in the northern basin to undermine the basin plan and its objectives, and to ensure that the massive over-allocation in the northern basin, which has brought the Darling-Baaka River to the point of ecological collapse, can continue with the full weight of the law. The report of the Independent Commission Against Corruption—released in November last year and discussed in this place on earlier occasions—on its investigation of potential corruption in the management of water and of systemic noncompliance with the State's Water Management Act stated:

... in many of the matters it investigated, the evidence did establish that certain decisions and approaches taken by the department with responsibility for water management in NSW over the last decade were inconsistent with the object, principles and duties of the WMA ...

It also stated:

The matters brought to the Commission's attention suggested not only individual instances of the partial exercise of official functions, but a departmental prioritisation of the interests of irrigators over the interests of other water users and uses, particularly the protection of the environment.

The House has before it a motion to disallow these water management regulations. So what has changed? Not much. The Government claims that the regulations will bring floodplain harvesting within the cap, but it has not provided any evidence that seriously backs up that claim. I cannot see how the regulations could possibly do that, particularly considering the scale of growth in on-farm storages—for starters. Last year water consultancy firm Slattery and Johnson, made up of two former senior employees of the Murray-Darling Basin Authority, released a report outlining the growth in floodplain harvesting in the northern basin. That project mapped on-farm storages and calculated their capacity in the five northern New South Wales valleys where floodplain water harvesting licences will be issued.

Between 1994 and 2020 the capacity of on-farm storages increased by 142 per cent—from 574 gigalitres in 1993-94 to 1,395 gigalitres in 2020. The number of on-farm storages increased from 400 in 1988 to 1,833 in 2020. For context, the amount of water that has to be returned to the environment in the northern basin is a mere 180 gigalitres. One of the regulations that we are voting to disallow today sets up a bizarre model to determine allocations for floodplain harvesting entitlements based on the year between 1993 and 1999 in which farmers had the largest crop yields. That is antithetical to the 1994 levels of development principles which underpin the cap and upon which the baseline diversion limits are based. But according to The Nationals members and their prepared speeches in this place today, licensing floodplain harvesting will take the levels of extraction back to 1994 levels. That is simply not true.

In the original cap model report for the Gwydir Valley, for example, the irrigated area was determined to be 60,000 hectares, based on the maximum irrigated area between 1993 and 1999 as determined by farmers' records in 2000. But now the estimated irrigated area has been revised by consultants to be 121,000 hectares. That is more than a doubling of the floodplain harvesting entitlements in just one valley. If that is the sort of black-box magic modelling that allows the Minister and the department to claim they are "giving irrigators a haircut"—recently the Government stated that it will claw back 52 gigalitres from July 1 for the Gwydir Valley—then I have no faith in what this Government is doing. It is doubling the irrigated area from the 1993 and 1999 original determination. That is what the Government is doing to get away with this.

The Minister will make the argument that without handing out floodplain harvesting licences it will be impossible to regulate and reduce floodplain harvesting levels to within the cap. Again, that is simply not true. The Government has been allowing floodplain harvesting to occur despite it being an unlicensed form of take under the Water Management Act. In other words, floodplain harvesting is illegal. Not only has the Government allowed it to happen, it has watched it grow significantly and has done nothing. In 2003 the Murray-Darling Basin

Commission published a review of threats to flows in the Murray River. The threats identified were climate change, reforestation, groundwater extraction, return flows, farm dams, regrowth after bushfires, industry change and water trade.

However, the review concluded that the estimated impact on future flows resulting from farm dam construction, based on the work of the Murray-Darling Basin Commission, was found to be very high—1,000 to 3,000 gegalitres per annum—and potentially greater than the combination of all other impacts. Make no mistake: This is about giving the big irrigators everything they have been demanding. A tweet this morning from Gwydir Valley Irrigators Association stated:

So you want more water but you support ongoing, unlicensed, unlicensed and unrestricted floodplain harvesting by disallowing these regulations. Have you really thought this through?

In my two decades of being in politics I have not known an industry body so keen for government to regulate it, but that is what it wants. Either it is allowed to continue to capture and store an obscene amount of water that it has never had to pay for—which is way over the cap and killing our rivers, communities and a healthy, productive Murray-Darling Basin—or it is stopped, meaning that irrigators, who are very wealthy already, walk away with many millions of dollars of public money for doing something they knew they should never have been doing in the first place. Despite the disallowance of the regulations, which undoubtedly will occur today, floodplain harvesting can be measured, licensed and metered in a way that restores balance to the system and water to our rivers. We simply need a water Minister and a Government with the guts to stand up to vested interests and do that.

The Hon. Trevor Khan: I raise a point of privilege. As many members on both sides of this House would know, I am married to my good wife, Elizabeth. She has an interest in a farm machinery business in the north of the State. I have sought advice from the Clerk and examined Lovelock and Evans, in its second edition. Whilst it seems to me that I do not breach the standing orders, in the spirit of appropriateness it is inappropriate for me to participate in this debate. Therefore, I advise the House that I will not be participating.

The Hon. PENNY SHARPE (15:19): On behalf of the Opposition I speak in debate on the motion to disallow the three water regulations put forward by the New South Wales Government. I begin by making the following points. The issues of water, water regulation, water rules, water policy and water laws have been problematic in this State for decades. We have to change this. We have to recognise that we are living on one of the driest continents on earth. We are experiencing rapid and different changes to our water patterns, our ability to use water and the way we share it amongst everyone who requires use of this fundamental public resource. Particularly I acknowledge the work that the water Minister has done in her time in the job to try to move on this reform. I also acknowledge that this has been going on for quite a long time. As members have noted in contributions to the debate today, Labor set up the original framework within the Water Management Act 2000. The floodplain harvesting issue has remained on the to-do list ever since.

We need to get it right. That is why I am frustrated that the debate in this Chamber today has been pretty unhelpful. There are a lot of accusations and a lot of finger-pointing. Every community, every irrigator and every Aboriginal community along those river systems is relying on us getting this right. What is fundamentally at the heart of the problem of the debate today is the poor history of decision-making, the concerns over the favourable treatment of some water users over others and the lack of fundamental trust that exists across this State when we talk about water and the use of water, who has access to it and who does not. I have travelled all over this State. I have been on several water inquiries, and I remain on those water inquiries. I tell members that there is no consensus across the State on the way that we manage this resource. Now more than ever it is the role of elected representatives to try to balance the different interests to manage this public resource.

While I know it has been a long time coming, and people have talked about it being 20 years in the making, the difficulty that we have with these regulations is that there has not been anywhere near enough work on doing the very basic thing of getting some consensus. Today in this Chamber one group of members says this should just go through no matter what, while others are saying, "Hey, there are some real issues that we need to get right and find a balance." Where Labor comes to in relation to this matter is, yes, we absolutely believe that floodwater harvesting has a role in all of our communities, particularly within the irrigation community. But we also believe that more work needs to be done to ensure that the framework put in place in this very difficult area of public policy is shaped by the lessons of the past and accepts the critical and difficult problems we have along our river systems.

In parts of our State communities are dying because they do not have water. We have had a bit of rain lately and everyone forgets that pretty quickly, but these are serious issues. Drought is going to continue to be a problem. The framework we set up now—with the rights it confers on those that currently have licences or are going to be licensed and our ability to change that—is going to be fundamentally changed by the way in which

we deal with this regulation. I put on record that Labor is absolutely committed to finding an outcome for this. However, we do not believe that the regulations put forward by the Government are good enough and we want to do more. We want to do more work with the Government to find a way through.

I acknowledge and thank all those who have made representations to the Labor Party in relation to this, and I pass on the thanks of the shadow Minister for Water for the time the Minister's office has put in to talking about this. But we are not prepared to just allow this to go through. There was a range of different ways that the Government could have done this. It could have put this regulation out for proper consultation. As the Hon. Mark Latham said, the Government could have actually got some people around the table to try to find a better outcome. We have got irrigators on one side. On the other side, we have First Nations people who have an entitlement to water but have never received it under the rules that we have. Quite rightly, they do not accept or trust that this regime is going to make one bit of difference to their culture, their traditional lands or the water that they are entitled to under the native title arrangements in place in law. They do not accept that and they do not believe that is going to happen, and there is nothing in these regulations that says it will.

We also have to take into account all of the evidence. All of the work of the Murray-Darling Basin Authority, all the different water management Acts, all the water sharing plans, all the ICAC reports and all of the problems that have indicated that we have not got this right. We have to take that into account and ask whether this is the best framework to address the health of the river. Labor does not believe that is the case at this point in time, which is why we are not going to support these regulations. We urge the Government to expose any future regulations so that there can be better open discussion about those. We also believe that some of this should be put into law rather than through regulation-making powers. People need to trust in what is going on. Part of the problem with all of this is that there is no community trust, which is reflected in the election of the different members of this Parliament on the priority of this issue. It is a very significant issue.

I will respond to two other issues raised particularly by the Government in relation to this, one of those being jobs. Yes, there are jobs in irrigation and they are incredibly important. But across New South Wales, do members know where the jobs are in smaller communities and towns? They are in tourism. They are in education. They are in health. They are in human services. They are in arts and creative pursuits. They are in racing and they are in cultural jobs. In most of those smaller towns that are dying as a result of over-allocation of our precious water resources those jobs are going backwards because of our failure to manage the water. To dismiss those jobs and to suggest they are somehow lesser than any of the other jobs is, frankly, an abrogation of our responsibilities.

Jobs growth in regional New South Wales has a very, very healthy and exciting future, but it does not have that if the towns are dying through lack of water. It does not have that if there is no proper management of the water and where, for example, Aboriginal people can live on their traditional lands as they are entitled to with the water that they need to do so. Let us talk about jobs. Jobs are incredibly important, but all of those jobs are important. We will lose people out of those towns as they are starved of water, which is what is happening. Menindee has got water in it now, but I have been there when there is no-one there. All of the grapevines are dead, there is no tourism and all of the grey nomads do not stop there because that beautiful wetland is no longer healthy enough to sustain birds. Those are the jobs that are also going, and we need to talk about that.

Finally, I talk about two different stakeholders that have written to us in relation to these matters: the Wentworth Group of Concerned Scientists and the Environmental Defenders Office. In March they articulated very clearly what the issues are in their joint submission to the Government on the draft rules for floodplain harvesting licences in the Gwydir valley. It states:

Conferring permanent property rights to irrigators is a windfall transfer of public wealth that should be considered only once public good outcomes can be guaranteed, including for Aboriginal Nations who are disproportionately disadvantaged under the current policy settings. Specifically, this requires guarantees that the licences issued will not impact expected outcomes under the *Water Management Act 2000* (WMA 2000) the *Water Act 2007* and Basin Plan for affected communities and the environment within each valley and in downstream connected systems.

It goes on, but that is pretty much the point that they make. I also note the contribution from the NSW Irrigators' Council, which is strongly supportive of having regulations. It believes that all sources of water should be compliant with the 1994 cap and the Murray-Darling Basin Plan, and that it must be sustainable and measured for transparency and accountability. Labor agrees with that, but we also agree that we should be following the principles within the Water Management Act, which are continually disregarded. Those are the principles that are actually about managing the whole system for everybody. I thank all of those who continue to deal with this very difficult policy area, and I note that Labor is ready to find a solution. However, we support the disallowance motion before the House today.

The Hon. SAM FARRAWAY (15:29): The severe drought has had terrible and lasting implications for many regional communities. They are still recovering from the devastating economic and social issues that it has caused. One lasting legacy of the worst drought on record is that water and water issues have been used as a

political football to divide communities between the north and south of the basin. Our farmers were once proud to tell people that they grew the clothes that we wore and the food that we ate. There were great social community awareness initiatives like Thank A Farmer Day and the From Paddock to Plate program. We need to take this opportunity to tell farmers that we are proud of them and that we stand with them. Some in the community have found a way to politicise and divide our strong agricultural sector. They change their name and pretend to support agriculture, but they would rather pit farmers against each other and create a social campaign against the people who feed us.

The tribalism now runs deep, as some people have chosen to politicise our agricultural communities. But debates such as this one show who among us truly stands up for farmers. The fact that we have to debate commonsense regulations decades in the making shows the length to which members opposite will go to prey on fear for their own political gain. The thing about the banning of irrigation and floodplain harvesting that truly scares farmers is that they know the next step will be the banning of wool. We will soon be here with the Shooters, Fishers and Farmers Party having the same "meat is murder" philosophy of their colleagues in The Greens, who they continually support. Despite being shocked by their position today, we must thank the Shooters for not delaying this debate.

[A member interjected.]

The Hon. Rod Roberts: Point of order: I am sitting patiently, hoping to get time to make a contribution. We cannot waste time with constant interjections by the Hon. Robert Borsak.

The Hon. Mark Banasiak: To the point of order—

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I do not need to hear further. The Hon. Rod Roberts has made a valid point. The interjections by the Hon. Robert Borsak are distracting. The member will be heard in silence.

The Hon. SAM FARRAWAY: I note the Hon. Robert Borsak's comment last week on 2SM that the equine industry and agriculture are not important to his party. They have certainly let the cat out of the bag now! I was waiting for him to say in that he was officially changing the party's name to the shooters and coalminers. The Shooters, Fishers and Farmers Party can only focus on one thing at a time. They have had great success politicising water and, as such, it does not suit their party's position if the Government succeeds in managing water properly for all farmers. They think so little of the people they represent in the other Chamber that they are prepared to sell out farmers and communities like Wee Waa in the Barwon electorate in order to cut dodgy deals to get The Greens preferences in the Upper Hunter by-election.

After several years of severe drought, the State breathed a sigh of relief at the sight of rain, but the Shooters were worried: The flows down the Darling and Murray rivers were washing away their political relevance. The most enlightening part of this debate is that it has shone a light on the polar opposite views within the Shooters, Fishers and Farmers Party. As the Hon. Damien Tudehope said, it must have been an awkward party room meeting for them. The member for Barwon is having to fight off attacks against his community from within his own party. The member for Barwon was elected on a mantra that too much water was going downstream and more needed to be retained in the northern valleys and Menindee Lakes to support the communities that he represents. In contrast, the member for Murray was elected on a platform that everyone north of her 1,500 megalitres of on-farm dam storages is evil. In answer to questions by the Hon. Penny Sharpe during an inquiry conducted by this House, the member for Murray went so far as to argue that she should be allowed to floodplain harvest on her farm.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I will call the Hon. Robert Borsak to order if he does not stop interjecting.

The Hon. Robert Borsak: Please do.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I call the Hon. Robert Borsak to order for the first time. He is interjecting right in the ear of the Hon. Rod Roberts, who has made a petition to the Chair.

The Hon. SAM FARRAWAY: What is good for Helen Dalton is apparently unacceptable for farmers in every other part of the State. What happens when the two members of the Shooters in the other House with opposing views are put in a room together? As we heard from the finance Minister, chairs are thrown. Is the member for Barwon in witness protection today? His absence and his silence on this issue is notable.

The Hon. Mark Banasiak: Point of order: The shadow member for Orange should know by now that if he wants to reflect on another member of either House he must do so by way of substantive motion.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I would uphold the point of order. The Hon. Mark Banasiak did not use the correct title of the honourable member.

The Hon. SAM FARRAWAY: They must be worried.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I remind the Hon. Sam Farraway not to reflect upon other members.

The Hon. SAM FARRAWAY: While it is sad to see personal attacks against the member for Barwon from within his own party room, the attacks against the communities in the northern basin have to stop. Today's decision is significant. Everyone in the electorates of Barwon and Murray are on the edge of their seats to see who will win out. Those in the Upper Hunter electorate are watching on to see if the winner will be a party divided by self-interest or a party that supports jobs in regional New South Wales. People do not see this as a vote on water policy anymore; they see it as a personality issue. The contempt that some parties have for our primary industries is well and truly on display. Will they vote for the agriculture, equine and mining sectors? Or will they vote with The Greens to ban everything?

It is disappointing when a party that was allegedly founded to protect liberties like hunting, fishing and the right to farm votes to prevent farming practices that have occurred for generations. By making this a north versus south issue, the Shooters, Fishers and Farmers Party has completely missed the point. It is a right to farm issue. The southern basin in New South Wales has a large number of floodplain harvesting structures. They are just called something different, such as flood mitigation or drainage schemes. In using the legal definition that floodplain harvesting is the collection, impoundment or extraction of overland flows using eligible works that is not a basic right, is not accounted for from an existing licence or has been exempted, we see that the member for Murray herself carries out this activity and we see her hypocrisy.

The previously shared advice we received on southern basin structures was that the definition extended to irrigation corporations in the southern basin that are taking water to grow essential crops like rice. After four years of drought, farmers and irrigation corporations and communities want to focus on rebuilding what has been lost. Farmers want everyone in this place to stand with the Liberals and The Nationals to support their right to farm, to support people's liberties and to allow them to do what they do best—that is, produce the best food and fibre in the country.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I was appalled by the interjections during that contribution. I know this is contentious, but members will show some level of politeness to the member speaking.

The Hon. ADAM SEARLE: I seek leave to have the time for the debate extended for 30 minutes to allow the Hon. Rod Roberts and the Hon. Mick Veitch to speak.

Leave granted.

The Hon. ROD ROBERTS (15:38): Water, water, everywhere, but not a drop to use—that is what Mr Justin Field wants. My colleague the Hon. Mark Latham and I take a pragmatic approach to this issue, not an ideological or dogmatic approach as taken by others. The last time a similar disallowance motion came before this Chamber, we voted to support it. However, I argued, as I always have, for the need for a number of conditions to prevail such as licensing of the take, metering of water, and run-off regulations. My approach was and still is that if it involves water, it needs to be managed by licensing and metering. I have always said and I will repeat it now that if irrigators in the southern basin have to be licensed and metered, then so should those in the north. That is what this regulation provides. We now have in place for the first time a regulation that provides for the management of floodplain harvesting. There will now be consistency, accountability and a degree of transparency. Those factors have been sorely missing for a long time.

From an environmental viewpoint, the modelling shows that there will be a reduction in water take in the Gwydir and Namoi valleys of around 30 per cent and in the border rivers of around 13 per cent. Isn't more water flowing downstream for environmental purposes a good thing? It is clearly a better situation than previously existed. As for the talk of social licence to the environment, what about farmers' social licence to feed and clothe us? How do we reconcile that? Floodplain harvesting has been around for a long time. I remind Opposition members that the failure to implement a solution to this problem goes back 20 years. I remind them that when they were last in government they did not fix it either. If these regulations are disallowed we will end up back in the bad old days of no licensing, no run-off regulation and no metering. It will be open slather for people to take whatever water they want without consequence. Pardon the pun, but if members vote to disallow these regulations they will throw the baby out with the bathwater.

Is regulation the best way to control this or should it be by legislation? My preference is legislation; however, as the events of Tuesday night proved to us, this is a numbers game. This is a game of reality. We can draft legislation in this Chamber, but it will be defeated in the other place where the Government has the numbers. The Government knows if it sends legislation here people like Mr Justin Field and The Greens will decimate it to

suit their ideology. The only workable way forward at this point is through regulations such as these. That is just a fact of life at the moment. Finally, I remind all members that to disallow these regulations will leave the status quo in place for unregistered and unlimited water take in flood events. What will that do to downstream flows, downstream graziers and downstream communities? Will the southern basin have to continue to prop up the guaranteed supply to South Australia? I believe it will. Is that really what members want? Because if they disallow these regulations, that is what they will get.

The Hon. MICK VEITCH (15:42): This is a serious and complicated debate, but I have to say that a couple of the contributions have not been of the standard that people who have an interest in this area expected. People are very keenly observing the debate around this, as they have done for decades. Communities are concerned about getting this right. They are watching this because they too want us to get it right. Trying to put this debate in the context of an Upper Hunter discussion or reflecting on the internal workings of another political party is not good, and it is not the way we should be going about this.

I have worked in and with some of these communities for a long time. To say that if you do not support these regulations then you do not support farmers is a terrible statement to make because it highlights the contempt in which some members of political parties hold the views of others in the Chamber. Just because a person has a view about something it does not mean they are anti-farmer. There are farmers who are in touch with my office every day about this matter who do not support the regulations. Does that make them anti-farmer too?

This matter has pitched upper catchment against lower catchment, catchment against catchment, basin against basin, long-term planting against annual planting. This is a really complex area. In her contribution on behalf of the shadow Minister for Water, Clayton Barr, the Hon. Penny Sharpe extended her appreciation to the water Minister, the Hon. Melinda Pavey, for the discussions that we have been having. That should highlight to a number of people in the Chamber that, in the period between the previous debate and this one, there have been discussions about these regulations and efforts to try to get this right.

The Hon. Mark Latham made a very worthy suggestion that we try to get a group of people from this Chamber to work with the Minister to get this right. Because that is what we all want. We all want to get this right. There are people who have livelihoods dependent upon this. There are people who want the environment to survive. The Indigenous community always feel like they are left out. This should not be about basin against basin, catchment against catchment, or upper catchment against lower catchment. That is not what this should be about. We get a very rare opportunity to get these things right, and this is one of those opportunities.

I hope the Minister's office has taken note of some of these contributions because there have been some worthwhile suggestions on charting the course forward. Members should not play politics and just throw away the discussion here today. There are people who are literally begging us to get this right as elected representatives and leaders of our communities. The suggestion that if someone does not support these regulations then they are anti-farmer is just rubbish. I have also heard it said that if you do not support these regulations then you do not support floodplain harvesting.

I make it very clear that the Labor Party supports floodplain harvesting, but we want to make sure the regime is right. Moving forward from here, let us have those discussions. The Labor Party cannot support these regulations as they stand. We had hoped that the discussion would have moved forward from where it was last time sufficient for us to support them, but it has not quite got there. We are on the right track. The Labor Party will support the disallowance motion. But I urge all members to please think about the people who are watching this debate. Let us conduct it in a much more orderly fashion.

Mr JUSTIN FIELD (15:47): In reply: I thank the members who have meaningfully contributed to this debate. I echo the comments of the Hon. Penny Sharpe that this debate to some degree shows we are still talking at cross-purposes. The Hon. Mick Veitch has pointed that out as well. This policy and process, with broadly bipartisan support for floodplain harvesting to be licensed and regulated over many years, may have been in train for a decade. But there was never a blank cheque offered for the Government to just come with whatever model it wants, dump it on the table and say, "Take it or leave it." The Government does not have a mandate. The Government no longer represents a large part of the State where this is a big issue, in part because of this very issue. The Government does not have the numbers in this place either.

This House is exercising its responsibility as a house of review. It has come back not once but twice, had an inquiry and given plenty of time to the issue. The expectations of the various stakeholders are very clear. There needs to be a balance to ensure that there is a fair allocation of the floodwaters when they come so that the Minister can meet the statutory responsibilities under the Water Management Act 2000 and meet the needs of downstream communities, the environment and water access licence holders. For such a complex area of public policy, the debate among those opposing these regulations has been incredibly well informed. The debating points used by Government members, however, have all but ignored the actual issues. They have focused on a by-election. They

have focused on another party. They have not focused on the issue of concern to the many people in the community who are tuning into this debate.

I address the concern that has been raised around regulating floods to manage droughts and the misinformed idea that because take is only available during times of flood there is plenty of water around. I am glad to have this conversation while a lot of water flows into the Menindee Lakes because it takes the pressure off and gives the impression that there is more time to get floodplain management right, which is a huge relief for affected communities. However, it is important to remember that we never know when the next flood event will be or when the next drought will start. We do not want to leave out downstream communities when allocating water only to run out of water again, like we did during the last drought because the Government made the wrong decisions.

It is also important to remember that we do not have severe droughts like the previous one all the time. Sometimes a single tributary can cause localised flooding. Complex rules are needed to calculate how an event can deliver for a single tributary and how it might contribute to the broader needs of downstream communities. That is a complex proposition; I am not pretending that it is not. The simplification of the argument by the Government shows that, as yet, it has not taken seriously the legitimate and well-informed concerns of stakeholders. I will now speak about the modelling. In her speech on the motion Minister Mitchell named a few scientists. She said:

In fact we shared the data with a number of environmental groups, such as Professor Richard Kingsford, Dr Celine Steinfeld and Dr Eytan Rocheta from the Wentworth Group and Dr Emma Carmody from the Environmental Defenders Office. I am told that the Minister's office spent two days going through all of it with them, so there is no excuse for ignorance anymore.

That is an extraordinary thing to say about some of the most well-informed experts in this area of policy. This afternoon they were forced to put out a statement. They said:

The statements gave the impression that we have received extensive information that is not in the public domain. This is factually incorrect.

...

The information with which we were provided reinforced our concerns that the hydrological models developed for the purpose of bringing floodplain harvesting into a licence framework were not fit-for-purpose. The models do not simulate water flowing from the floodplains back into the river and as such are not capable of evaluating environmental impacts and downstream outcomes of the licensing framework.

...

We remain concerned that the modelling is incapable of properly assessing environmental and downstream impact of the licensing framework. We continue to support greater transparency related to water management in NSW. We also remain extremely concerned about the ongoing existence of unauthorised structures on floodplains, in particular structures built on critical floodways.

It is extraordinary that such a group of eminent experts has felt the need to respond immediately to a representation made by the Government after they had engaged with the department and the Government in good faith in the interests of all stakeholders. I note the comments made by members of the Opposition and the work that has been put in by the shadow Minister on this issue. I have worked extensively with Clayton Barr, the member for Cessnock, who has engaged with the level of detail that is needed. For his work and the efforts of those experts, who have worked hard to try to inform the debate, to be represented in that way is very unfortunate.

I speak about the public commentary around the comments of the member for Barwon, Roy Butler. I appreciate the complexity of the issues that he has had to manage when dealing with his stakeholders. This morning Mr Butler released a statement on Facebook, which I encourage members to read. In it he tried to outline how he formed his view on the issue and how he has engaged with the debate. He wrote:

Much has been said about my working with the Water Minister, the fact is the Minister is the only way I can get in place the metering of all forms of take and the ability to have CAP compliance enforced. Does that mean I agree with everything the Minister does—certainly not.

I may have slightly different views about the ability of the Government to deal with cap but that should not be used against us in this debate on the regulations. The cap can be managed in other ways. I say to those who are concerned about Mr Butler's engagement with the Minister that I too have been talking with the Minister—a lot of people have. That is the way we have tried to resolve the issue. I endorse the idea that we should sit down immediately after this debate to try to find a consensus.

I reflect on the Hon. Mark Latham's contribution to the debate on behalf of Pauline Hanson's One Nation. I like the staff in his office. They are hardworking staff who I am sure wrote a well-informed speech for him on this issue. However, they must be getting a bit sick and tired of him throwing their work in the bin as soon as he walks out of the office. Regardless of whether we are debating coalmines, renewable energy, education and now water, all he wants to talk about is political correctness, critical race theory and gender fluidity. No matter the

topic, gender fluidity seems to be the issue that he wants to talk about. That shows incredible disrespect to the people who are listening to this debate and trying to engage meaningfully in the discussion.

The irony of it all—and I am a bit scared to say this—is imagine what will happen when the Hon. Mark Latham finds out that there is a whole heap of freshwater fish species that change gender during their lifetimes. He will bloody explode! Whenever the issues of science, facts and evidence are before the House, for all his flowery language, the Hon. Mark Latham's arguments can be summarised using four words, "I don't like it." Environmental flows to meet legislative requirements? "I don't like it." A fair share for other water users? "I don't like it." A fair share for Indigenous communities trying to access cultural water? "I don't like it." He can dress up his contribution with whatever clever language he likes, but members in this Chamber are trying to resolve this issue in a way that brings together all the irrigators, farmers and licence holders who have an interest in the river and downstream communities.

A diverse range of stakeholders from north to south, city and country care about our State's rivers. I am sorry, but "I don't like it" just does not cut it in this debate at all. We need to get together to fix this because I do not want to be talking about this same issue in another 20 years. Our rivers and communities cannot handle it anymore. We need serious people at the table. I implore the Minister to try again. We can save the Murray-Darling Basin by bringing people together. I commend the disallowance motion to the House.

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

The House divided.

Ayes21
Noes 15
Majority.....6

AYES

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

NOES

Amato	Franklin	Mitchell
Cusack	Latham	Roberts
Fang	Maclaren-Jones (teller)	Taylor
Farlow	Mallard	Tudehope
Faraway (teller)	Martin	Ward

PAIRS

Secord

Harwin

Motion agreed to.

Rulings

IMPUTATIONS AGAINST MEMBERS

The PRESIDENT (16:06): Earlier today during debate on the disallowance of regulations relating to floodplain harvesting the Hon. Mark Latham made a comment regarding a member of the other place. Ms Cate Faehrmann took a point of order that the member was making adverse reflections and asked the Chair to require the Hon. Mark Latham to withdraw the comment and apologise. The Hon. Mark Latham withdrew the comment before I ruled on the point of order. I have now had an opportunity to reflect on rulings of my predecessors in relation to such matters and would like members to be aware of how I intend to deal with these issues.

I preface my ruling by noting that it is incumbent on members to maintain decorum in the Chamber, including by engaging in respectful debate. Rulings of previous Presidents have suggested that only a member of

this House who is in the Chamber at the time can ask a President to require the withdrawal of offensive words. In 2010 President Fazio ruled:

While imputations against members in the other Chamber are disorderly, only a member who is personally aggrieved by a statement can ask for the statement to be withdrawn.

With respect, I advise members that I may divert from such rulings if I deem that comments made about a person who is not a member of this Chamber are sufficiently egregious. While robust debate is necessary, all members must ensure that the standards of debate expected of us are upheld.

Matter of Public Importance

HUNTER VALLEY COALMINERS

The Hon. MARK LATHAM (16:08): I move:

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

The importance of honesty and integrity in protecting the working conditions, wages and entitlements of coalminers in the Hunter Valley.

The matter before the House is urgent because members need to examine the credibility of the statements made on the road to Muswellbrook where there have been amazing conversions in the interests of the coalmining industry. The major parties are putting on more hi-vis these days than Kurt Gidley, up and down the streets of Singleton and Scone and Muswellbrook. It is quite a phenomenon. But if we look at the substance of their policies, we see that they have a long way to go before they actually defend the key industries of the Upper Hunter. For instance, the Liberal-Nationals Government has an official policy of net zero 2050, supported by the Opposition. The Leader of The Nationals has said that that would be the destruction of mining and manufacturing in New South Wales. In other words, the entire Upper Hunter economy would go. Mr Barilaro said that net zero 2050 is the destruction of mining, manufacturing and agriculture, so that is all of the Upper Hunter gone.

We know that even for the sake of agriculture in the Upper Hunter—in New Zealand they had the decency to exempt agriculture from net zero 2050—Matt Kean said he would do it for the Federal policy. Why is agriculture part of the State policy, destroying farmland and agricultural enterprise in the Upper Hunter? Then we come to Mr Kean, who I understand is holidaying in Vanuatu. He is certainly not campaigning in Singleton and Muswellbrook for obvious reasons.

The Hon. Adam Searle: He is in the building.

The Hon. MARK LATHAM: He is in the building? He is straight out on a boat, and so he should be because last month he told *Four Corners*—and nobody heard of this theory before—that to get to net zero 2050—

The Hon. Damien Tudehope: Point of order: While I am enjoying the diatribe that no doubt is flowing from the Hon. Mark Latham, he should speak to urgency at the moment, not to the substance of the motion. I am sure he will get to the substance of the motion during the debate, but his preliminary point must be to establish urgency and why we should move immediately to the debate proper.

The PRESIDENT: I refer to a ruling of my predecessor, the Hon. John Ajaka, and draw to the attention of members that this is a matter of public importance, not an urgency motion in which we look solely at why one matter is more urgent than any other. This debate is about a matter of public importance. The mover of the motion must establish whether that matter of public importance should be discussed. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: It should be discussed because it is urgent and it is a priority for this House to consider the matter.

The Hon. Shayne Mallard: Point of order: The imputation that the Hon. Matt Kean is in Vanuatu is disorderly. He is engaged in parliamentary duty.

The Hon. Rose Jackson: Oh, lighten up. Even I did not think that.

The Hon. MARK LATHAM: It is attempted humour and from the humourless soul behind me it has obviously flopped. But for those who understand irony and satire, perhaps it had some legs. It might not have been my best effort in this House but it is an improved handicap around the Chamber so give me a crack. On that basis I could have said he is in witness protection but I thought that was an old-time cliché. I tried something a bit fresher but there is no reward here for ingenuity and innovation. Anyway, I will go back to what I was saying.

The PRESIDENT: Order! Perhaps we should return to the matter of public importance.

The Hon. MARK LATHAM: Thank you, Mr President. The reality is that Minister Kean said on *Four Corners*—and nobody had heard this theory about net zero 2050—that to get there we need to eliminate all fossil

fuels in New South Wales by the middle of the 2030s. So in 14 years' time Matt Kean's plan is to get rid of all coal, gas and oil, petrol-driven cars included. It is a phenomenal statement of why we need to eliminate all fossil fuels in 14 years' time to get to net zero in 29 years' time. But that is what the Minister said on *Four Corners* and he meant it. It has not been corrected by anyone inside the Government and it means the economic devastation of the Upper Hunter—coal, gone; gas, gone; and even petrol-driven cars, gone.

These are statements made by Government members on official Government policy, but nobody is correcting them. They can walk around in a high-vis at a mining site at Singleton but unless they get rid of these policies, they are not worth a cracker to the mining workers and their working conditions. Beyond that they talk about transition to the clean energy economy. We know in this Chamber Labor, The Greens, The Nationals and the Liberals voted 60 times against coal-fired power last year. One Nation and the Shooters voted 60 times in favour. Matt Kean released his strategy for net zero 2050 and it had the grand total of 2,400 jobs over a decade, which is 240 jobs per annum.

Malcolm Turnbull, the chosen hand-picked climate chief, albeit short-lived, said there are 110,000 coal-reliant jobs in the Upper Hunter. That is a big number. Others have said the true number is 75,000, 15,000 direct and 60,000 indirect, but still it is a huge number that absolutely towers over Matt Kean's projection that in going net zero 2050 you create 2,400 new jobs in the entire State over 10 years, which is 240 jobs a year. This is a Minister who would be building Centrelink offices in the Upper Hunter. That would be the only thing that would be built as he throws people onto the welfare scrapheap. These matters need to be put on the record. They are not only Nationals policy; they are supported by the Australian Labor Party and of course The Greens, who would close it all down yesterday, and it would totally destroy the working conditions of the coalminers in particular and devastate the Upper Hunter, turning it into one of the rust bucket regions where parents are on welfare and the kids are up to trouble.

We must reject that. This matter should be debated forthwith to create a full record of the problem with those policies. In regard to working conditions, wages and entitlements of coalminers, we have to unpick the other hypocrisy in the Upper Hunter where Jeff Drayton is saying that he is against the casualisation of the workforce in the coalmines whereas he is the author of it. The facts are crystal clear. He worked at the Bengalla mine shovelling in the labour hire with his mate Jonno McTaggart, who worked for SubZero labour hire which went belly up. They formed Valley Labour Services, which is a shelf company—no assets, no workers—in 2017.

The PRESIDENT: Order! The Hon. Mark Latham is now moving into the substantive nature of the motion. He should address his comments as to why the motion is a matter of public importance.

The Hon. MARK LATHAM: It is of public importance because the Labor Party has its candidate in the Upper Hunter saying that he is against the casualisation of the workforce when he is the author of it. He signed his name on an agreement with his mate Jonno McTaggart in February 2017 for a company that had one asset and one asset only—a piece of paper with two signatures on it. These are urgent and important matters to be discussed forthwith. That piece of paper sold out the workers to the extent of \$307,000. It is very unusual in public life to be able to quantify to the dollar amount the extent of the sellout of the workers. It was on sold to another labour hire company, OneKey, for \$307,000. Why would a labour hire company buy an enterprise agreement for \$307,000 unless it was worth that much minimum in what they could do in the exploitation of the workers?

That agreement, which needs to be discussed in full during the debate, was paying below the market rate. It was sacking people with just one hour's notice. It entrenched casual labour with no long service leave, no annual leave and no carers leave against the principles of the Black Coal Mining Industry Award. For Mr Drayton to be saying that he will introduce a bill to outlaw casual labour and provide a limit, he is legislating against himself. That should be debated in full in the context of this matter of public importance. If we look at the industry in the Upper Hunter we find that people talk about casualisation of mine labour.

There is an assumption around the Construction, Forestry, Mining, Maritime and Energy Union [CFMMEU] that it must have dropped from the sky one day. The truth is that the CFMMEU signed over 50 enterprise agreements to introduce the casuals against the Black Coal Mining Industry Award. The McTaggart-Drayton shelf company enterprise agreements sold for \$307,000, which is the worst of them, but there are over 50 of them that entrenched casual labour. Those agreements were advocated at the Fair Work Commission. They did not argue against them or contest them. It is a parallel universe of hypocrisy.

The excuses that we hear about this should be debated in the full analysis during this matter of public importance. The would-be gamekeeper has become the poacher. The Leader of the Opposition said that what happened with Jeff Drayton was complicated. No, it is very simple. He got together with his mate. They signed an enterprise agreement that they on sold for \$307,000 and entrenched casual labour. They abolished the permanent entitlements, paid below the market rate and people could be sacked within an hour. It is very simple. The simple conclusion was that after they did that they went to the pub to celebrate. That is what happened. There is nothing

complicated about it. Tony Maher from the CFMMEU said, "We got wrong-footed by the corporate manoeuvre." Drayton was the corporate manoeuvre. As a Chamber, we should debate these matters in full to get to the truth of this shameful sellout of the workers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:19): The Government does not oppose discussion of this matter of public importance.

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

Motion agreed to.

The Hon. MARK LATHAM (16:20): That was easy work. I would think a Minister would have some defence of the policy of net zero by 2050 destroying mining and agriculture—the entire Upper Hunter economy. I would think he would have a rebuttal of what the Hon. John Barilaro said. "It is true. It was misreported. It was not exactly accurate." He has got no problem with the Hon. Matt Kean being front and centre in this campaign and the 2,400 jobs. I would think the Minister would say that *Four Corners* had it wrong and it was the ABC misreporting. The standard line from the Liberal Party is, "The ABC has got it all wrong." The Minister—no less than the Acting Treasurer, in charge of the New South Wales economy—has got no problem with getting rid of all the fossil fuels in 14 years' time: coal gone; gas gone; oil gone; all your jobs gone. All he can say is, "In 30 seconds we will have a debate." The Minister seems to have no problems with these things, but I do not want to upset him too much. I do not want to bust his boiler at this late stage of the week. I come to the point I was making about Jeff Drayton and the notorious enterprise agreement.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The Parliamentary Secretary does not need to shout across the Chamber; neither does the Hon. Rose Jackson nor the Hon. John Graham.

The Hon. MARK LATHAM: What I like about being at the table is that I get the audio in stereo. If I say something about the Government, it is a wall of noise from this side of the Chamber. I switch over to the Opposition and the stereo comes from the other side of the Chamber. I am tuned in and I am keeping both sides honest, as one would from the crossbench. Yesterday in *The Daily Telegraph* Mr Drayton was asked about how he came to sign the notorious enterprise agreement that sold out workers to the value of \$307,000. He said:

Exploitation of casual labour hire workers in the mining industry is a disgrace but it is currently not unlawful ...

His defence was that it is not unlawful. It is certainly dreadfully hypocritical. For him to say it is a disgrace and he did it and his only excuse is that it is not unlawful is just appalling. Who vetted this bloke at the Labor Party head office? Who failed to have a look at the fact that this was all written up in the Australian *Financial Review* in 2018? This was all known. Down at Labor headquarters, "Jeff signed an enterprise agreement with a shelf company—\$307,000 sellout of the workers. The casuals are in; the conditions are out. The people can be sacked within an hour. That is alright. No problem there—business as usual." This is just extraordinary. The second thing Drayton said in *The Daily Telegraph* was that it was:

... not a substandard agreement in the context of the labour hire industry ...

It is not a substandard agreement in the context of the industry he says he is opposed to and wants to legislate against. I have never seen anything like it. He wants to come to this Parliament to legislate against a thing that he created. He says it is disgraceful and not substandard in the context of the labour hire industry. But Jeff Drayton has put out a five-point plan of what he is going to do in this Parliament, which was reported on *scone.com.au*. He proposes to change the planning laws. He is working on the assumption that if the Hon. Adam Searle, as a Labor planning Minister, was ever to approve a coalmine—and we know that would never happen because Jeff Drayton has described the Leader of the Opposition as an inner-city green—these things would never happen.

The Hon. Adam Searle: I do not think that is right, actually.

The Hon. MARK LATHAM: You are not an inner-city green; you are a Blue Mountains green. We will accept that and move on. A green is a green no matter where they live, and the Leura left is no different to the Balmain mob. The first point in Drayton's plan is:

Mining companies must directly employ 80 percent of their workforce ...

If he believes in that, why would he sign an enterprise agreement that sells out casuals and their future employment to the extent of \$307,000? Then he said:

Gaol time for mining bosses convicted of breaching new industrial manslaughter offences ...

Then he said:

The 'fit and proper person test' applied to require mining companies to engage in safe practices ...

And he goes on. Is he a fit and proper person to be even running for elected office? When the Telegraph asked him the straightforward question of where the \$307,000 went, it reported:

Mr Drayton did not directly address the question of financial benefit.

He would not say where the \$307,000 went. If you are running in a by-election campaign and you have not taken a sling, would you not just say, "I did not get any of it, no"? That is not the Drayton position. The Drayton position is to not directly address the question of financial benefit, which leaves open the question of where the money went. We know, shamefully, that in the construction division of the CFMMEU, when it sells dodgy enterprise agreements, very often there is a financial benefit to the union and often the official. It looks like this disgraceful practice of Labor getting in bed with the bosses and feasting off the spoils has spread to the mining division of the CFMMEU.

The Hon. Rose Jackson: That is outrageous. Say it out there. How can you say that? It is outrageous to say that about Jeff.

The Hon. MARK LATHAM: I can tell the Hon. Rose Jackson about the number of former trade union officials who have contacted me about this disgrace and pointed out the shocking practices of the construction division. They are appalled by this. People who are loyal to the labour movement and who have served trade unions decade after decade are appalled by this practice. If Mr Drayton had not done it, why did he not say that?

The Hon. Adam Searle: Point of order: I am loath to take a point of order given the short time frame, but it goes to relevance. We are discussing the coalmining industry and the honourable member is talking about the construction union. He should keep to the subject matter that we are discussing.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Mark Latham will return to the substance of the discussion. I call the Hon. Rose Jackson to order for the first time.

The Hon. MARK LATHAM: The fourth point in the Drayton plan to legislate states:

Labor hire workers to receive the same pay as directly employed workers

Why did he not do that in his enterprise agreement signed off with the shelf company? This is hypocrisy laid on hypocrisy laid on hypocrisy to the point that he will not directly address the question of where the money went and the issue of financial benefit. It is extraordinary that the Labor Party could be running this guy. It is extraordinary that, like so many unions, the officials have got very close to the bosses. We know it is a fact in the Australian Workers' Union with Bill Shorten and that cleaning—

The Hon. Rose Jackson: Outrageous.

The Hon. MARK LATHAM: It happens all the time and it is one of the sins of the Labor movement.

The Hon. Adam Searle: You are just defaming people under protection of parliamentary privilege.

The Hon. MARK LATHAM: The Shorten deal with the cleaning company was before a royal commission. These are facts. The number of union officials who have contacted me and said that they served for decades and are ashamed of these practices says it all about Mr Drayton and his unsuitability to be elected to this place. The idea that he is going to legislate against the things that he pioneered and created in the Upper Hunter is an absurdity. It is like Eddie Obeid legislating to abolish all the mining leases. It is like Joe Tripodi legislating to transfer the land rezoning practices to Canberra. It is like Jodi McKay legislating to abolish migration support letters.

The Hon. Adam Searle: Point of order: The honourable member is reflecting on a member of the other place. If he wishes to do so, he should do it by way of substantive motion.

The Hon. MARK LATHAM: To the point of order: I said Jodi McKay might legislate to abolish migration support letters. How is that a reflection on anyone? The Hon. Rose Jackson is keeping a straight face so it cannot be that bad. How is that a reflection?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The honourable member will proceed.

The Hon. John Graham: Go back to Matt Kean.

The Hon. Rose Jackson: Talk about Matt Kean.

The Hon. MARK LATHAM: By popular request, and to switch the stereo to the other side, both sides are condemned in this debate. The Hon. John Barilaro is saying the policy of net zero 2050 is the end of mining and the end of agriculture. Where was the Premier, the leadership of the Government or the leadership of the National Party in saying that it is wrong to get rid of fossil fuels by 2035—14 years' time? It stands as official government policy. All that happened with this by-election is that the Government tried to cover up the obvious

problem of appointing Malcolm Turnbull. He went up against coalmines before the Cabinet and they all sat there like stuffed dummies and said, "Just wave that one through. Malcolm—he's no trouble." Then a by-election was called and he was out the door. He had the shortest posting since Mal Meninga ran for elected office. Turnbull was out and now he is endorsing a green independent in the Upper Hunter, if we look at his Twitter feed. Malcolm Turnbull is the guy who wanted to stop any new coalmines and effectively close down the industry.

The Hon. Adam Searle: He's no Mal Meninga.

The Hon. MARK LATHAM: He's no Mal Meninga. Mal Meninga is an immortal of rugby league. If Turnbull is an immortal, he is an immortal of unemployment, because he would wipe out the 110,000 coal-reliant jobs he identified in the Upper Hunter. Apparently, before the by-election was called it was all okay; he was going to get the posting. It was only because of the by-election and my discovery of a certain letter and pressure from One Nation that the Government got rid of him. But how permanent is that? If Matt Kean and the Government truly believe in getting rid of all fossil fuels in 14 years' time, who is the guy after 22 May that they will bring back in to do it? Turnbull has only been parked to one side. He will be back. I am sure that is the plan.

The Hon. Damien Tudehope: Oh, come on.

The Hon. MARK LATHAM: The Acting Treasurer arcs up about it, but what did the Acting Treasurer say in Cabinet when Turnbull was nominated?

The Hon. Damien Tudehope: You know that I cannot possibly disclose that.

The Hon. MARK LATHAM: I know you did not possibly comment at the Cabinet table.

The Hon. Damien Tudehope: That you do not know.

The Hon. MARK LATHAM: Only Ministers Elliott and Roberts had something to say.

The Hon. Damien Tudehope: That is not true.

The Hon. MARK LATHAM: That is not true? The Acting Treasurer did object to Malcolm Turnbull. Now he is our great white hope, if you can still use that expression these days: our great white hope to stop Turnbull coming back after the by-election to implement the policy of getting rid of all the fossil fuels in 14 years' time. Going back to Drayton—

The Hon. Rose Jackson: No, no, no.

The Hon. MARK LATHAM: I am afraid that talking about Government members did not invoke much noise, but I know I get it out of you, Rose. You are Ms Reliable when it comes to arcing up about my comments. I will come back to the report in the Australian *Financial Review* because I mentioned it briefly earlier on. Here it is on 4 September 2018. David Marin-Guzman—another hyphenated name. This guy could have been President. He said:

The agreement—

this is the Drayton-McTaggart agreement—

paid base rates 4 per cent above the minimum—

but that is well below the market rate—

but scrapped several allowances.

In fact, it got rid of them all. The report went on:

Crucially the EA removed the black coal industry's award strict prohibition on casuals but without mechanisms to convert casuals to permanent or other benefits.

This is all well known. Apparently, Labor is proud to run this guy on the basis of him selling out the workers to the tune of \$307,000. It is an extraordinary development in the Upper Hunter. The jobs are at risk because of policies adopted by the Liberal-Nationals and Labor-Greens Coalition. We saw that when they made us sit up all night. When the cracks of sunlight emerged through these windows from the all-night sitting, when these other scoundrels were rostered off to go and have a sleep and cuddle up to their teddy bears at home, One Nation was still sitting here resolutely with great determination to say, "We are voting every time for coal-fired power." And we released a policy in this campaign for building Bayswater 2 to move forward with coal-fired power.

I point out that the policy has enormous benefits and has been widely welcomed in Upper Hunter, because relying on the technology that we have always had successfully for many decades—coal-fired electricity generation—means we do not need the monstrosity of the wind towers and the transmission wires in the western part of the electorate that the farmers and the agricultural elements are complaining about. They are complaining

at Merriwa about the massive transmission wires that have to come in from places like Dubbo, at huge public expense, to bring in the 100 per cent renewable scheme. They are complaining about the wind towers from Merriwa to Gloucester. It is all unnecessary if members back in the policy One Nation advocated here six months ago of competitive and technological neutrality in the electricity sector and back in coal-fired power, which plays a useful role for dispatchable base load electricity. That is what we need to keep the lights on in New South Wales, continue the existence of those 75,000 coal-reliant jobs in the Upper Hunter and power up the rest of the State economy.

I started this speech by saying there has been a "road to Muswellbrook" conversion to coal. Even Labor kind of talks about it. It put up a union official; they rip the workers off but he had something to do with coal, so he is good enough to run. The National Party put the hi-vis on and went to a coalmine, despite the Matt Kean policies. The real test is this: If coal is so good and you are such a supporter of coal, why not use it to generate electricity right there in the electorate of Upper Hunter? Why would you not do that, instead of saying, "They're all going to close down and we will replace them with 100 per cent"—

The Hon. Adam Searle: Eighty per cent of our electricity comes from coal at the moment. What planet are you on?

The Hon. MARK LATHAM: I am on the planet of knowing you voted for 100 per cent renewable in 2030 in the Matt Kean road map. You are the shadow Minister who cannot appear in the Upper Hunter, even though this is the number one issue.

The Hon. Adam Searle: Point of order—

The Hon. MARK LATHAM: He is on a joint visa with Matt Kean in Vanuatu.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The Leader of the Opposition is taking a point of order.

The Hon. Adam Searle: I have been grossly misrepresented. Unlike the Minister for Energy and Environment, I have been in the Upper Hunter during this by-election.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is no point of order.

The Hon. MARK LATHAM: Well, he must have been hiding in someone's boot.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:35): I will bring some decorum to this discussion. I will not act in a way that will incite people. One of the things that I think is really important when we read the text of the motion is the importance of honesty and integrity. They are the two guiding factors that we should be looking at in this discussion. The mover of the matter of public importance has concentrated on two principle factors: attacks—justifiable attacks, in many respects—on a particular candidate for election in the Upper Hunter; and, most unusually, an attack on my very good friend and colleague the Minister for Energy and Environment.

There are some questions about how that was portrayed. The Hon. Mark Latham suggested that the integrity of the Government's position on coalmining jobs in the Hunter Valley cannot be relied on because of the statements made by the Minister on a *Four Corners* program. Alternatively, the member refers to the policy relating to regional energy zones for the purpose of extrapolating that the industry is going to close down. I will deal with the second part first and come back to the Government's record in protecting jobs shortly. To have entered into that debate and characterised the Government's position by virtue of those two things and those two things alone really is drawing a long bow.

To ignore the Government's strategic statement on coal exploration and mining in New South Wales does the member no credit, because that is the stated policy position of the Government. The musings of an environment and energy Minister in respect of future power or environmental impacts are merely that. The Government's position is set out clearly in the strategic statement on coal exploration and mining in New South Wales. It is interesting to read the Minister's foreword in that document, where he said:

Coal mining is an important industry for New South Wales (NSW), and will continue to be so for the next few decades. It is particularly important for our regional economies, who have recently suffered a series of blows from drought, bushfires and the COVID-19 pandemic. Coal mining is a significant source of direct and indirect jobs in our regions and underpins prosperity in many local economies. It is the state's largest export commodity, and is a major source of revenue, which the NSW Government uses to help fund essential services and infrastructure such as schools, hospitals, roads and transport. Over the coming decades, the coal mining industry will be directly affected by the global transition to different forms of energy generation. However, this transition will not happen overnight. During the transition, the NSW Government—

and this is the Government's position—

will continue to support the responsible development of our abundant, high quality coal resources for the benefit of the State. This Strategic Statement on Coal Exploration and Mining in NSW aims to provide greater certainty to explorers, investors, industry stakeholders and communities about the future of coal mining in the state. It sets out how the NSW Government will take a balanced approach, allowing exports to continue while there is global demand, but significantly scaling back where mining can occur and working to reduce its impacts and address community concerns. Recognising that coal is likely to have a finite lifespan as an energy source, we will work to support coal-dependent communities to diversify for the future, ensuring they remain vibrant places to live with good employment opportunities.

To deliver and speak on the matter of public importance without making one reference to the Government's position as stated in the document displays an ability to use this debate for the purposes of opportunism and to potentially espouse the credit position of the One Nation candidate in Upper Hunter. The Government's position and the consistent position adopted by the Deputy Premier in relation to coal is clearly set out in the Government's published position.

Integrity and honesty is the starting point of this debate. Integrity and honesty is to properly consider the Government's position in relation to the coalmining industry, where it has consistently stood—and where it stands in the election for Upper Hunter—on a daily basis seeking to protect the workers and the jobs of the people of New South Wales. I stand in this place on a regular basis talking about how important it is to have a job and to make sure that we protect the jobs of residents in New South Wales. However, the mover of this motion has raised a second point in relation to another candidate who is standing for the Upper Hunter by-election—a gentleman by the name of Jeff Drayton. There are some really interesting things here. Yesterday the Hon. John Graham moved a motion to refer the Premier to ICAC in which he articulated a number of issues relating to the Riverina Conservatorium of Music. They were all predicated on this notion of "we don't know", "we don't know this", "we don't know that".

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I call the Hon. John Graham to order for the first time.

The Hon. DAMIEN TUDEHOPE: He said there was a whole series of issues in respect of which they knew nothing but which justified the referral to ICAC. Let's see if this is what gives rise to a general sense of potential corruption because that is the test he applied to the Premier.

The Hon. John Graham: We know what the Premier has been up to. We know exactly what she has been up to.

The Hon. DAMIEN TUDEHOPE: We do know this about the candidate—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I encourage the Hon. John Graham to stop interjecting. The member will have the chance of going to the lectern in due course.

The Hon. DAMIEN TUDEHOPE: We know that the Labor candidate for the Upper Hunter used a shelf company for the purpose of trading off employee entitlements for casualisation of the workforce. He formed a company. We do know that those rights were the only asset of that company, and I articulated this position yesterday. The agreement provides a whole series of terms and conditions under which people can be thrown out of work, have their leave entitlements reduced and all sorts of things. We know that that was the asset of the company and it was sold for \$307,000. So we know that the only asset was sold to another company for \$307,000. So what do we not know? We at least need to know what happened to the \$307,000? It has the smell of corruption about it, but no-one is prepared to tell us. Where did it go?

The Hon. Mark Latham has speculated that it may have gone to the benefit of a union or individuals. If Williamson was involved, it probably was going into his pocket. The fact is that we stand here today under circumstances where there was a deal selling off workers rights to an international company for \$307,000. We do not know how that figure was arrived at. It sold off workers rights and we do not know what happened to the money or the circumstances surrounding that transaction. To mark yourself as the "workers' champion", to get rid of casualised labour against a background of some grubby deal in relation to selling off rights to an international company probably would have triggered a query for those examining whether he was a fit and proper person to stand for the Labor Party in the Upper Hunter.

The PRESIDENT: I call the Hon. Rose Jackson to order for the second time. I call the Hon. Tara Moriarty to order for the first time.

The Hon. DAMIEN TUDEHOPE: I will go a little bit further because there are some things that were alluded to in an article by *The Daily Telegraph*, which I did not explore yesterday. They also require some investigation. A series of ASIC records show multiple birth dates for Jeff Drayton. There is often one reason why multiple birth dates are used on ASIC records—birth dates are often used to confuse potential audits of those companies to establish their ownership. Three companies are involved. The Government wants to know whether Mr Drayton knows his own birthday. The alternative might be that he does not know how to complete an ASIC

document, which is also a big concern, or that he allows someone else to do it and get those records right. We would like to know if it was fraudulent, has he gone to the police? If it was wrong, did he seek to correct it? Those things require an answer. The Government suggests that candidates for preselection for a political party should go through a process where they at least give an explanation.

The Hon. Daniel Mookhey: How did Michael Johnsen work out for you?

The Hon. DAMIEN TUDEHOPE: He is not our candidate.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I call the Hon. Daniel Mookhey to order for the first time. I do not understand why people do not get it. Funny interjections are great, but we have not got even close.

The Hon. DAMIEN TUDEHOPE: I seek leave to table various ASIC records. We learn from those records that for the Drayton Family Property Pty Ltd, Mr Drayton's birthday is listed as 13 April 1970. That makes him a pretty young man. In the application to register Hunter Valley Connections Pty Ltd as an Australian company, his birthday is listed as 13 April 1968. On form 484, to change the company details for Mailpostie North Sydney Pty Ltd, his birthday is listed as 21 April 1970. Which one is it? One has to at least ask. I seek leave to table the extracts for those three companies.

Leave not granted.

The Hon. DAMIEN TUDEHOPE: In respect of *The Daily Telegraph* article, it is enlightening to see some of the comments that were made about what that article contained. George wrote:

This is the Labor Party being true to their members—they always speak with a forked tongue!

Warren writes:

Typical Labor and unions. All they do is fleece the workers to line their own pockets ... they couldn't care less about workers.

Boofa writes:

Sounds like the ideal Labor candidate to me as he fits in perfectly with modern Labor ideology. Labor stopped being the party who best represented workers years ago, great to see they're finally being outed.

Finally, the comment from the Bathurst Rooster sums it up best:

What a perfect fit for the hypocritical ALP. Always look at what they do, not what they say, because that's the ALP way.

This person should never be a candidate for office in this place and they should disendorse him.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Before I call Mr David Shoebridge, I welcome Hannah to the President's gallery. It will be interesting to see what her father has to say.

Mr DAVID SHOEBRIDGE (16:51): Hannah has been saying to me all day, "Dad, what are you going to say on the MPI?" You will soon find out, Han. The quicker I get her out of here, the better for all concerned.

The Hon. Taylor Martin: Better for her!

Mr DAVID SHOEBRIDGE: Absolutely. I start my brief contribution on this matter of public interest by saying for the record I find it galling that the side of politics that preselected Michael Johnsen can come here and talk at all about integrity, decency or character in the context of the Upper Hunter by-election. In doing so, one would have thought that a hole would have opened up and that those opposite would have been swallowed by the weight of their own internal hypocrisy. Unfortunately, that is not the way the world operates. At the core of this debate is the way in which the Fair Work Act allowed rights to be negotiated with one corporation but then undercut the working rights of people, who devote their life to getting the wealth out of the ground, by allowing those rights to be sold from corporation A to corporation B. It undercuts the basic rights of working people, whether it is the mining industry or any other industry where people come together to hopefully protect the dignity of their work and their rights at work through collective bargaining. The debate can be about whether or not Mr Drayton engaged in that conduct.

For the record, I find that history disturbing, but I will not go into it in any detail. The core thing to talk about here is how it happens in the first place. The key problem is that the Fair Work Act is anything other than fair. When Labor finally won that election and stared down the appalling attack on workplace rights that was WorkChoices with a grassroots movement across this country, it had a once-in-a-generation chance to rebalance the rights of working people as against the rights of money and capital. Instead, Labor squibbed it and it comprehensively failed. It should never have been called the Fair Work Act. It is the "unfair" work Act which allows casual labour to flourish. It allows casual labour to flourish and to undermine the rights and the basic dignity that we should expect at work.

That is exactly what has happened here. Labour hire firm after labour hire firm has been operating in the Hunter Valley. In the same pit one can have two workers going down in exactly the same uniform, being directed by the same manager—one employed by the labour hire company and one employed as a direct employee by the mine. One gets paid 60 per cent of what the other does and the labour hire firm employees get paid 60 per cent—sometimes less—than what the full-time employee does. That has never been fair, and the Fair Work Act has never been fair. When Labor came in and passed the Fair Work Act, it was a betrayal of those millions of people who came together in grassroots movements across the country to throw out WorkChoices and to rebalance it in the favour of working people.

We should acknowledge that that is the real devil here—not one individual who has used and abused the Fair Work Act to gain some financial benefit, but the Fair Work Act itself. If anything is to be done at the end of this debate, we should commit across the aisle to rebalance it and make it unlawful to do what happened in this case—undercutting full-time employees with labour hire firms that come in and literally sell out the rights of working people. That is what we should be committing to. We can have a debate in the context of the Upper Hunter. Labor can put forward some fairly token amendments to how licensing is done at a State level in order to claw back some of the lost rights it sold out with the Fair Work Act. Let us have that marginal debate. But the core debate here is making the Fair Work Act live up to its name and become the "fair" work Act. That is what is being missed in this debate. I come back to this: For the right of politics to have the gall to talk about integrity, decency and character when it comes to a candidate in the Upper Hunter by-election, how dare you.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I make the observation for Hannah's sake that normally when Mr David Shoebridge speaks, we rise to our feet and applaud him on the way out, but not on this occasion.

The Hon. ADAM SEARLE (16:56): I commence my contribution to this debate by saying I will agree with one thing that the Leader of the House has said. We quoted the words of the MPI saying it was about honesty and integrity in relation to jobs and conditions in the coalmining industry. But what we have seen and heard from the mover of the motion, the Hon. Mark Latham, and from the Government lacks both honesty and integrity. What hypocrisy from Pauline Hanson's One Nation Party who connived with the Morrison Government in Canberra to detrimentally affect the rights and conditions of casual workers, including in the mining industry. The attack on the Labor candidate in the Upper Hunter just shows how desperate One Nation is, how desperate the Government is and how much Jeff Drayton must scare the Government in the Upper Hunter as it is spending so much parliamentary time not attacking his ideas or his five-point plan to address the scourge of casual and labour hire work in the coalmining industry, but attacking him personally in a completely disgraceful and meretricious way.

Here are some truths. Those opposite may not like to hear some truths, but we all know that the labour hire industry is the wild west. It is full of cowboys and shonks who try to make millions of dollars by ripping off wages and conditions. This system was made possible because of legislation enacted by the Federal Parliament with the assistance of Pauline Hanson's One Nation Party. But let us see what the truth is behind the arrangement involving Mr Drayton. On this side of politics we are proud of Jeff Drayton. We are proud of his record, we are proud of him as a candidate and we are honoured to stand with him in this contest in the Upper Hunter.

In 2015 the company SubZero was employing casual workers on individual agreements at the Bengalla mine. Those workers were being employed as casuals illegally because the Black Coal award did not allow casual employment in its classification. Arguably, that made the wages and conditions of those casual workers illegal and unable to be recovered. So Mr Drayton wrote to SubZero to demand that those workers be paid their leave entitlements. He also began negotiations with SubZero for an enterprise agreement to regularise the situation to cover those workers, but SubZero went into liquidation before those negotiations were completed. Valley Labour Services was intended to supply labour at the Bengalla mine in place of SubZero. To try to save the jobs of the former SubZero employees at the Bengalla mine and ensure that they got decent conditions and pay, Mr Drayton began enterprise agreement negotiations with Valley Labour Services.

The Valley Labour Services agreement was struck and the company made various commitments to the Fair Work Commission about how the roles would be genuinely casual and the provisions would be better than the award, which is what the law requires. Unfortunately, Valley Labour Services never ended up supplying labour to the Bengalla mine because it was undercut by another firm, Workpac. Mr McTaggart, whom we have heard about, sold the business to a relatively large labour hire firm called One Key, which then misused the enterprise agreement to undercut the pay and conditions of workers. The point is we have heard about the sale price, but Mr Drayton did not see any of that money. I challenge members opposite to provide any proof to the contrary.

The Hon. Damien Tudehope: Where did the money go?

The Hon. ADAM SEARLE: I did not interject against the Leader of the Government.

The Hon. Mark Latham: Why didn't you tell the Tele that?

The Hon. ADAM SEARLE: So the point—

The Hon. Mark Latham: Why didn't you say that to the Tele?

The Hon. ADAM SEARLE: I was not interviewed by the Telegraph. The point is the original workers affected by the SubZero liquidation have been fought for by Mr Drayton. Recently they received extra entitlements from the Fair Entitlements Guarantee because Jeff Drayton and the mining and energy union went in to bat for them and fought a legal battle to have their entitlements recognised as part of their payout. So the only people who made money on the back of these arrangements are, of course, people of low regard. But the point is that in relation to Valley Labour Services and the enterprise agreements, Jeff Drayton did what he has done all his life: He fought to save jobs and to improve wages and conditions of workers. The people who made money out of all of this, the people who permitted the labour hire situation to arise are the shonks opposite—Pauline Hanson's One Nation in Canberra voting to undermine the conditions of workers in this State, aided and abetted by the Liberals and The Nationals. Of course, the fact is that the Liberals and The Nationals have never been the workers' friends.

I thank the leader of Pauline Hanson's One Nation party in this Parliament, the Hon. Mark Latham, for outlining Mr Drayton's five-point plan: First, forcing mining companies to directly employ 80 per cent of their workers on sites through changing the planning laws—I have not heard any criticism of that idea. Second, imposing jail time for mining bosses who break the law and kill their workers—I have not heard any criticism of that idea. Third, requiring mining companies to engage in safe and fair work practices through changing the fit and proper person test in the Mining Act—no criticism of that idea. Fourth, making sure that labour hire workers receive the same pay as directly employed workers—not a peep of criticism about that idea. Fifth, making sure that when there are moves by mines towards automation, there is a local jobs test to make sure that workers are not adversely impacted and that job losses are minimised—not a peep against that.

But we have heard abuse, attack and slander against the man proposing that plan, Jeff Drayton—the man who has fought for working people his whole life and who, if elected as member for Upper Hunter, will make enacting that five-point plan in legislation his first act in Parliament. So desperate are members opposite that they blacken his name and what he stands for. They do not present a scrap of evidence, only slander and abuse. It does them no credit. It does this place no credit that they launched this attack in question time, then they used the take-note debate, and now they use the mechanism of the matter of public importance debate.

I move on from Mr Drayton and his five-point plan. The Labor Party has also been attacked on the issue of coal. The Labor Party has always supported coalmining in this State. We have always supported coalminers, and we understand the economic benefits that coal has brought through electricity generation, jobs and economic activity. That does not mean we would approve every coalmine in every possible circumstance, but that does not make us anti-coal. We understand the very real value that coal brings. Of course, turning to the issue of renewable energy, we understand that, like any machine, coal-fired power stations will come to the end of their lives. We just have to have a plan for what comes next. Luckily for this State, the Liberals and The Nationals took Labor's 2019 energy policy, and now there is a bipartisan energy policy in this State that will ensure an orderly replacement of the State's electricity generation assets.

While I am on that topic, those opposite and, of course, Pauline Hanson's One Nation party totally overlooked the people of the Hunter when we were debating the electricity infrastructure legislation last year. It was the Labor Opposition who insisted that there be a Hunter Renewable Energy Zone [REZ] in the legislation. But where is the Government's plan to turn that REZ on to make sure that the Hunter gets its fair share of the \$32 billion of infrastructure spending under that plan over the next decade? Nada, niet, zip! There is no plan for the Hunter. There is no plan for Hunter jobs and no plan to ensure that the Hunter gets its fair share of the \$32 billion. Only Labor would ensure that the Hunter gets its fair share of that investment over the next decade. Only Labor stands for coalmining workers and communities, and only Labor will deliver for them and their communities.

The Hon. TAYLOR MARTIN (17:04): First and foremost, the best and most important thing that we can do to protect the working conditions, wages and entitlements of coalminers in the Hunter Valley is back the coal industry 100 per cent. My view is simple: As long as there is a market for coal, we should be selling ours through our export facilities in Newcastle. Coalmining is an important industry for New South Wales and for Australia, and will continue to be for several decades to come. Countries across South-East Asia have invested heavily in coal-fired power during the past decade.

Since 2010 Indonesia has commissioned 22.7 gigawatts of coal power capacity and currently has 10.7 gigawatts under construction. Bangladesh is currently building five new power stations. Two-thirds of Vietnam's coal power capacity has been brought on line since 2015, and its draft energy plan would see that double

again within this decade. Half of the Philippines' coal power has been brought on line since 2015. India has increased its coal power capacity every year this century and significantly ramped it up in the previous decade. And in 2020 alone China has commissioned 38.4 gigawatts of new coal-fired power plants—more than Australia's total capacity.

That shows that coalmining for export will continue to have an important role to play in New South Wales and in Australia for decades to come, which could see the global demand for thermal coal sustained for at least the next two decades or more. The Hunter's high-quality coal that we ship out of the world's largest coal export terminal in Newcastle will continue to be in demand as those nations bring power to their citizens and continue to lift them out of poverty. My question to those who propose that New South Wales exits or pursues an unnecessarily rapid phasing out of coalmining in the pursuit of their green, left agenda has always been: What do they hope to achieve?

The Hon. Adam Searle: Point of order: Obviously, the member is reflecting on the environment Minister in the other place. He should not do so.

The PRESIDENT: There is no point of order.

The Hon. TAYLOR MARTIN: I did not think there was a point of order because I was not doing that. I ask the greens and the lefties what they hope to achieve, given our coal accounts for only 3 per cent of total global consumption. Other countries would rapidly fill that void in supply, and worldwide demand would be unaffected. We would be left with tens of thousands of unemployed people across New South Wales, particularly in the Hunter Valley, a reduced standard of living and a depleted State budget. We would be cutting off our nose to virtue signal our face. Again, that supply would be filled by other countries with lesser environmental standards than ours.

What is the alternative? One alternative is the so-called Hunter Jobs Alliance that has been formed between the AMWU—the Australian Manufacturing Workers' Union—and eight other unions, the anti-coal Labor Environment Action Network and other groups, including the Lock the Gate Alliance and the Nature Conservation Council. The Hunter Jobs Alliance says that the region is being held back by a culture war that has developed around coal and energy. Far from achieving an end to the so-called coal culture wars around coal and energy, as they say within the Labor Party, this seems to have thrown fuel on it. The Federal member for Hunter, Joel Fitzgibbon, had this to say about it:

... we don't need these people consistently and constantly pulling us to the hard left ... This is the Australian Manufacturing Workers Union, in bed with green left-wing groups who are anti-coal.

...

... LEAN, the group which the AMWU bizarrely is now in an alliance with, wants to rip out our ovens and our heaters in our homes, smash our hot plates and replace them with electric ... If members want to know how important the Labor Party considers honesty and integrity, they need look no further than their standard-bearer in the Upper Hunter by-election. Yesterday *The Daily Telegraph* reported that Labor's candidate, Jeff Drayton, personally struck a union deal with a labour hire company, as we have heard in this place already, that removed a prohibition on a casual workforce for coalmines and allowed casuals to be terminated with a minimum of one hour's notice, and gave no entitlement to annual leave, carer's leave or paid compassionate leave, in direct opposition to Labor's policy. Four months after Drayton signed this deal the labour hire company sold it off to another company for \$307,000. When asked by *The Daily Telegraph* if he personally got a financial benefit from the sale he refused to say. This is the guy who the Labor Party now wants in its caucus. How can Labor be trusted when it plays both sides?

The Government has always been honest with coalminers about the future of their industry and their communities. The Future of Coal Statement released by the New South Wales Government in June 2020 sets out our plan of action to meet the future demand for coal in New South Wales. Firstly, we are improving certainty about where coalmining should and should not occur throughout our State. The Government is clearly identifying areas where higher priority land uses such as agriculture can mean that coal exploration and mining will no longer occur.

Secondly, the New South Wales Government is reforming the planning system in order to provide greater certainty for all stakeholders, including coalmining proponents, agriculture, other large land users and the broader community. This includes amending the Environmental Planning and Assessment Act 1979 to prohibit approval conditions relating to exports. Implementation of the findings of the recent review of the Independent Planning Commission will also improve certainty for proponents of major projects, which is of the utmost importance to employees.

Thirdly, we are reducing the impact of coalmining. The operating and regulatory standards for New South Wales coalmines have been significantly improved in recent decades. This has delivered better environmental, social and economic outcomes. However, constant innovation in the industry means that there are always places to further reduce impacts. Finally, the Coalition Government will continue to strengthen regional economies through the development and implementation of location-specific plans to diversify those areas that are heavily dependent on coalmining. There will be regional variations in the profile of coal production going forward—all

members know that. Some areas will see a gradual decline over the next few years but others could see increased coal production in the short to medium term.

We will adopt a sensible, systematic, place-based approach in planning for the future, starting with the regions that are expected to experience the earliest coal production declines—including the upper Hunter region, given the importance of coal to that regional economy. As I said at the beginning of my contribution, the best thing that we can do to protect the wages, conditions and entitlements of coalminers throughout New South Wales, but especially in the Upper Hunter, is to look after the coal industry itself. This will continue to provide certainty to the industry and to those who supply into it and depend on it.

Ms ABIGAIL BOYD (17:12): When I first saw the topic of this matter of public importance I thought the Hon. Mark Latham had finally been convinced by our wonderful Greens candidate Sue Abbott. When she was announced as candidate for the Upper Hunter by-election she gave a really compelling statement. She stated:

I have always believed in honesty, transparency and accountability in government, and these are values that The Greens will always bring to politics.

The people of the Upper Hunter have been grossly let down by the major parties who seem to be competing with each other to lower the standard of politics, and this by-election is a great chance for locals to vote for change.

...

Politicians need to be honest about the future of fossil fuels, the key driver of climate change and extreme weather events. This is an industry without a long-term future and we need policies to help map out a prosperous and healthy post-coal future for the Upper Hunter.

Any expansion of coal, gas or gas pipelines in the Upper Hunter electorate will hamper the diversification of the economy and lock the Hunter into a dead-end future.

It is very sensible so far. She continued:

The Greens are the only political party not welded on to the demands of the multinational mining companies and a handful of mining billionaires at the expense of community health, other local industries and the environment.

Land, water and the valley's scenic landscape are irreplaceable assets that must be protected from further degradation.

Unfortunately, having now listened to the leader of Pauline Hanson's One Nation in this place, I did not really hear very much about honesty and integrity. If members look at the dictionary definitions of "honesty" and "integrity", which I had and now do not have with me, they will find that they refer to the absence of deceit, to truthfulness—truth-telling—and to sincerity. If we are to be truthful with people, we need to convey accurate statements and facts to those people. It was unfortunate to hear the Hon. Taylor Martin disagreeing with the vast majority of the global economic elite by trying to argue that there was some kind of long-term future for coal. In 2008 I was working in London as a global banking regulator. I spent a lot of time talking with banks and regulators from around the world about the financial risks that we were facing going forward and how we could bolster the banks against those. Even in 2008 it was clear to those financial regulators that climate was a very real thing. It was something that the financial industry would have to prepare for and it was something that the banks fully knew about and were planning for.

We all know that there will be a time when there is no coal-fired power and no need for thermal coal. The fact that Australia has taken so long to catch up does not necessarily mean that the Liberal Party or The Nationals will suffer. It does not mean that the rest of the right-wing politicians will suffer. What it means is that the people who have dedicated their lives to working in coal and contributing to this State will find themselves suddenly without a job. That will be preceded by a time when coal companies will find themselves unable to pay for stuff. That always results in the coal companies treating their employees poorly. It will mean that those companies will walk away from their obligations in the Hunter and from all of those mines that are sitting there un-rehabilitated. Those people will be left with the clean-up costs for the environment as well as their health. This is where we are at.

Members of The Greens pride themselves on honesty and integrity, but also on being principled. For over a decade we have had a policy in place that states the importance of a transition away from coal to protect workers. For over a decade we have been on the side of those coalminers who will find themselves without a job very soon. We have been listening to the community. I love that the Hunter Jobs Alliance is seen as being just "anti-coal". Basically, anybody who sees the writing on the wall, who looks and says, "Economically, we need to do something with our region; we should diversify," gets labelled anti-coal—as though it is some sort of insult that someone can look at economic reports and look at science and work out what is going to happen in the future. It is used as some kind of dismissal for what are very valid concerns from the community.

If members walk outside of this parliamentary bubble and talk to people in the Hunter Valley they will find that those people understand very clearly how precarious the mining industry is in that region. They are asking

for some assistance. That is why the Hunter Jobs Alliance is doing so well and attracting so much support. It is trying to do the job that the Government refuses to do: to bring business, unions, workers, local councils, environmentalists and other community organisations together to nut out a transition plan for the region.

Finally, I will reflect on the conflation between the idea of protecting working conditions, wages and entitlements with the idea of protecting a particular job. It is as though the only way that people can have good, well-paid jobs is if unsustainable and unproductive industries are kept going forever. Where was the Hon. Mark Latham when the fax machine was under threat? Where was he when VHS won out against Betamax? Where was he when all the people who were making Beta tapes suddenly lost their jobs? Where was his concern then? Was he calling everyone who liked VHS anti-Beta? "Oh, you're so anti-Beta! Let's go and support the Beta industry." It is absurd!

Where was he when Blockbuster employees needed support against the rise of Netflix? It is just absurd that the only jobs that can possibly be created in this State are in coalmining. It is ridiculous. There are so many jobs in other industries that the Hon. Mark Latham could help to support. The Hunter Jobs Alliance is trying to tell him to put some money into a proper transition that would allow workers in the Upper Hunter to move into other industries that are under threat from coalmining. The Hon. Mark Latham's position endangers tourism, winegrowing and farming. But I guess thinking that makes me anti-Beta, anti-Blockbuster and anti-coal because I can see that those things have had their time and we need to move on.

That is the honesty and integrity brought to the debate by Greens members. We care about the region all the time, not just during a by-election, as we set out in our policy—a policy that has been held consistently for over a decade. We need to step in now to look after coalminers in places like the Upper Hunter so that they do not get left behind by the Hon. Mark Latham's side of politics.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Firstly, the Hon. Taylor Martin is getting very close to being removed from the Chamber. He is not funny so he does not get discounts. Secondly, I welcome the Hon. Duncan Gay into the President's gallery. I miss him but I cannot say that I wish he was back in the Parliament because he tells me that things are going well on the outside.

The Hon. JOHN GRAHAM (17:22): I remember when the Hon. Mark Latham lectured the Opposition on focusing on policy. We have just learned that he was the number one ticketholder at Blockbuster video, and I believe that claim. I thought he had a point when he told the Opposition to focus on policy and not on personal attacks. However, over the past couple of days One Nation and the Liberal Party have carried out a coordinated attack on the Labor candidate for the seat of Upper Hunter. I can see why they are worried, which I will deal with in a moment. The biggest problem that the Hon. Mark Latham has when making his case is that the voting record in Federal Government shows that his party is pro-wage theft and pro-casualisation. If you do not believe me I will refer to the comments made by Simon Turner, who is a lead claimant in a coalminers class action against labour hire firms in the Hunter Valley and who has worked with One Nation at a Federal level. Regarding the party's voting record in Federal Parliament, he said, "I was disgusted and felt betrayed at the highest level."

That represents a complete backflip from representing Hunter coalminers and indicates what they think about the party's policy. CFMEU Mining and Energy President Tony Maher, who is a stand-up individual and one of the best union officials I have ever had the pleasure to have met, said that coalminers are rightly furious. He said that the changes effectively overturned the union's court win that required permanent casuals to be back paid permanent entitlements such as leave and redundancy on top of casual leave loadings. That is a massive blow to the region's coalminers, who will effectively have money ripped out of their pockets. One Nation Federal candidate and coalminer Stuart Bonds is also disappointed with the position that the party has taken. He said, "I can't justify it. I won't justify it. It doesn't appear to be a 180—it is a 180."

That is the problem with One Nation's position on this issue. At a Federal level the party voted for increased casualisation and knocked off the provisions of the bill about wage theft. That is why I do not accept the Hon. Mark Latham's position in this debate. It is not just the policy that has blown up the party in the region. Stuart Bonds did alright at the Federal election and all of a sudden he is out on his ear because of the feedback he got from local coalminers about the party's policy. The party is in total disarray in the Upper Hunter.

The Hon. Damien Tudehope: Why is he not on the frontbench? Why did he resign?

The Hon. JOHN GRAHAM: Because of the issue that we are talking about here: the working conditions of coalminers. I will deal with the issues that were raised by the Hon. Mark Latham in the debate and by the Government in a coordinated way. This is old news in the Upper Hunter. Stuart Bonds and the gang of people around him have raised those issues before.

The Hon. Damien Tudehope: It was in the *Australian Financial Review* about three years ago.

The Hon. JOHN GRAHAM: Yes, exactly. This has been reported repeatedly in the Hunter Valley as part of an argument backwards and forwards about how the law works in relation to coalmining.

The Hon. Damien Tudehope: You should have known about it.

The Hon. JOHN GRAHAM: This is old news. The real clue about what is going on was when union members said there are 50 agreements like this. This is not an attack on Jeff Drayton, the Labor candidate for the Upper Hunter; it is an attack on the union. I do not accept that the mining and energy division of the union is engaged in any skulduggery. It works in one of the toughest industries in the world. Coalmining companies are tough operators that operate around the world and they are quick to litigate. I agree with the fact that there are shonks in the industry and it needs tougher regulation. The current State and Federal laws do not make it a fair fight. The union does not always win the fights. I do not believe for a moment—and I would call it out if I thought that this was the case—that any personal benefit goes back to union officials.

The Hon. Damien Tudehope: Do you know that?

The Hon. JOHN GRAHAM: I do not. No-one knows that but I do not believe that it is the case. I would call it out if I thought there was any question about that.

The Hon. Damien Tudehope: Why don't you know that?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Minister is not entitled to interrogate the member.

The Hon. JOHN GRAHAM: The leaders of the union are not personally benefiting. If I thought that was the case I would not defend them, but I am confident that is not happening because I have seen the regard with which Jeff Drayton is held by his fellow workers. I have spent time with Jeff and union members in the Hunter Valley and I know not only do they regard him as one of the blokes, but also as one of the leaders of their movement. He is one of the people who has stood up in some tough fights, and they do not get much tougher than an industrial fight in the Hunter Valley in the mining sector. Those union members look to him to defend their conditions. They regard him as a leader, which is one of the reasons why I can say that if Jeff Drayton gets into Parliament he will have an impact on these issues and be a voice for coalminers. He will make a difference. He has outlined the policy position but his personal advocacy will change what is happening on the ground.

Labor is doing the same thing that it has always done: stand up for coal workers. In a lot of ways, that is how the party started. The first Labor Government in the 1890s contained members from the Hunter Valley. When the Labor Party was elected in 1891 one of its first demands was that the coal mines bill should be legislated to protect workers in the industry. Three months later that Government fell apart. One of the reasons it fell apart was that those first Labor members demanded that people who worked eight hours underground should get 20 minutes to have a bite to eat. That broke apart the first Government. We sent 35 members to support Sir Henry Parkes but then the Government fell apart three months later over these issues. We are still here fighting about them.

We are doing the same thing we have always done—standing up for the workers against unjust laws. The State and Federal laws here are unjust; that is why they need to change and improve. That is the case that Labor and Jeff Drayton is putting to the electorate. It needs to change and he will be part of that change. I hope he wins so that he can stand up in the other place—

The Hon. Damien Tudehope: Not confident, are you?

The Hon. JOHN GRAHAM: It is up to the voters. He can stand up in the other place to help change the laws that will really make a difference to workers both in the coalmining industry and across the Upper Hunter.

The Hon. SAM FARRAWAY (17:30): Before I begin, I acknowledge and welcome Duncan Gay, a Nationals legend, to the Chamber. As previous speakers have highlighted, the issue at the centre of this debate is that of honesty and integrity. The best way to assess that is to look at the track record of not only the Labor Party candidate for the Upper Hunter, Jeff Drayton, but also the Labor Party itself. For the past 10 years the Liberal-Nationals Government has been busy cleaning up the mess of mining licences handed out like confetti by the previous Labor Government. Whether it was the petroleum exploration licences [PELs] in the northern rivers region or the Shenhua mine on the Breeza Plains, the issues have been controversial. They have pitted communities against each other and delivered uncertainty to one of the cornerstone industries of the New South Wales economy.

Only now with the release of the Future of Coal Statement can communities and industry be certain about what the future holds—a commitment to jobs and a commitment to protecting prime agricultural land. The contrast of those opposite could not be more apparent. After 10 long years in opposition they still have no policies to protect and create jobs. Instead, they choose to prioritise inner city seats over the workers of the Upper Hunter

and the broader Hunter Valley. Make no mistake, the Labor Party does not support agriculture and despite its lip service during this by-election they clearly do not support mining either. Had the Labor Party stuck to the party line and opposed mining they would have alienated all mining communities within the Upper Hunter electorate.

The Hon. Adam Searle: Point of order. The member is misrepresenting the situation entirely. He is misrepresenting the position of those on this side of the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is no point of order.

The Hon. SAM FARRAWAY: The Opposition is proving what we all know—they will say anything to win votes. Once the by-election is over they will desert the Upper Hunter just as quickly as they have turned on their support base. They have proved once again that they cannot be trusted. Labor and Jeff Drayton's casualisation policy has been pulled apart in less than a week. If the people of the Upper Hunter and all of New South Wales want to look at Labor's track record on casualisation they should look to the past. The ability to sack casual workers with one-hours' notice and with no entitlements was at the core of Mr Drayton's policy. He has still not been seen to change his position on this other than to say, "It was legal to do so." Unfortunately, the Opposition has not done its due diligence on Mr Drayton. And I am sure many on that side of the Chamber would be outraged with his track record on selling out workers' rights.

On 23 May the Opposition and its new love affair with the coal industry will come to a sudden end and, with that, its concern for workers' rights and casualisation. Until the Labor Party has the courage to cut itself away from The Greens the people of the Upper Hunter and those involved in the broader mining industry will not be able to take it seriously. By contrast, the New South Wales Liberal-Nationals Government is fiercely committed to protecting the way of life of all communities in the Upper Hunter, Hunter Valley and regional New South Wales more broadly by protecting and keeping jobs local. This involves striking a balance between coal and agriculture. The Hunter Valley is home to majestic farming land and we are doing everything we can to protect that. It is also home to some of the best coal in the world. We are determined to support a mining industry that employs over 22,000 people and contributes billions of dollars to the State's economy.

The coal industry is incredibly significant to New South Wales. Without coal the lights do not come on and we do not have access to the technology that we all take for granted. All of the marvels of modern science and advancements in our technology are as a result of the power that is provided by coal. More than 70 per cent of the electricity generated in New South Wales currently comes from coal and gas. For these mining operations to properly function we must value and protect our workers. That is exactly what we are doing. The safety and job security of all employees is paramount to this Government and we will continue to work with the sector to make sure the workers are protected and the mining operations are able to keep operating.

The Hon. ROSE JACKSON (17:35): I speak this evening for one reason only—that is, to defend the honesty and integrity of Mr Jeff Drayton, who is unable to be here to do that himself. Unlike the mover of this motion, Jeff Drayton has had a real job. He has worked as a linesman for EnergyAustralia. While the Hon. Mark Latham was climbing the greasy pole, Jeff Drayton was climbing power poles to keep our lights on. Jeff Drayton has actually worked in a coalmine. He knows the industry. He is not interested in the pathetic dress-ups that are not fooling anyone. The mover of this motion has a meltdown if somebody sends a mean tweet—he would not last a minute on an actual coalface. The mover of this motion has the softest hands in Macquarie Street. He sits around writing the next edition of *The Latham Diaries*. It will be another bestseller, I am sure. "Dear diary, today someone said 'partner' instead of 'husband'. I am devastated. Broken. How will I cope?"

Maybe he is working on his next cookbook or the sequel to *Civilising Global Capital*—I am sure the workers of the Upper Hunter cannot wait to hear what he has to say about the post-Fordist welfare state. This bloke is a lifetime politician. A parliamentary pensioned serial candidate. He has worn a suit to work his entire life. He has all of the perks and titles of an MP. The hero of the working class took a break from reading post-modernism cultural Marxism—whatever the hell that is—to go to the footy, but he sits up in the corporate box with his new mate the Deputy Premier. What is the bet that he ate the pie with a knife and fork? He wants to come into this Chamber and spread lies about a working man just trying to give the miners a helping hand. But when he is not supporting the shonksters in the labour hire industry he loves to give us a lecture about gender and masculinity. He loves to tell us what a real man looks like.

If he was a real man, if he got the medal, he would stand up, walk out of this Chamber and make the same accusations he made about Jeff Drayton in this place without the cover of parliamentary privilege. Or he could drive up the Pacific Highway and say it to Jeff Drayton's face—the former dummy half of the Denman Devils would not be as easy as a poor taxidriver. He comes in here and defames Jeff Drayton, who is not here to defend himself, and implies that Jeff Drayton has done something wrong. He makes the ludicrous and defamatory claim that somehow Jeff Drayton has financially benefited from this arrangement. That is wrong; it is a lie. If you were

not a total coward you would go outside this Chamber and say it without parliamentary privilege. The pathetic thing is that you are not even doing it for your own political benefit.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): First, the volume is beyond belief. Secondly, the Hon. Rose Jackson should direct her comments through the Chair. Thirdly, it is disorderly to describe a member in some of the ways that the member has.

The Hon. Mark Latham: I do not mind. I have heard worse.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Mark Latham has not taken exception, but there is a standard to maintain.

The Hon. ROSE JACKSON: Apologies, Mr Deputy President, and apologies for the volume.

The Hon. Catherine Cusack: Point of order: Mr Deputy President, my point of order is additional to the ruling you have just made. There has been a lot of shouting in the House this week. I understand there are moments in a member's speech when it is done for emphasis. I do not wish to disrespect the Hon. Rose Jackson. Shouting in the Chamber by all members has become habitual. It is impossible to focus on the content. Mr Deputy President, I thank you for your ruling and I simply say that in relation to amplification it should not be directed specifically to the Hon. Rose Jackson.

The Hon. ROSE JACKSON: I think it is me specifically. I will try to stand back.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I will say it is not. It has been a noisy debate.

The Hon. ROSE JACKSON: Apologies, Mr Deputy President. I was merely trying to make the point, through you, that I thought it was reasonably pathetic when the former Leader of the Federal Parliamentary Labor Party started taking instructions from Pauline Hanson. But it is worse than that because now John Barilaro and Gladys Berejiklian have got him on speed dial, "Mr Latham, can you vote for our candidate for LC President?" "Hey, Mark, want to throw some mud at Labor in the Upper Hunter?" It is not even for his benefit. He is doing the bidding of the Tories. But of course it should not surprise me because the Hon. Mark Latham has a history of picking on people who are not able to defend themselves: our overworked public school teachers; grieving mothers, like Rosie Batty; young gay and lesbian kids; 65-year-old swim teachers who were harangued and humiliated by this member at a public pool; the poor woman, visibly shaken, who just happened to be Steve Waugh's mum. That is the character of the man launching this attack. Those are the types of people he targets. He is the classic bully: too gutless to go after anyone other than people who cannot defend themselves.

He is not just a liar and a bully; he is also an expert on everything—the coal industry, global capital, economic policies, spiritualism, teenage cricket, swim classes. Let us not forget that this is the bloke who could not even manage to shake someone's hand like a normal person would. He could not even pay a cab fare without committing an assault. Now he wants to lecture people like Jeff Drayton about the Australian industrial relations system—someone who has worked in the coal industry day in, day out his entire life. The bottom line is that since the Hon. Mark Latham left the Labor Party—thank God!—he has been sucking up to the big end of town and picking on vulnerable people and working people.

Why is he attacking Jeff Drayton? Why not use his time to promote his own candidate? As my colleague pointed out, he could not even get the bloke he wanted to run for One Nation to do the job because he was so angry at the Hon. Mark Latham and his party. Stuart Bonds gave Joel Fitzgibbon a run for his money. Why is he not running in Upper Hunter? It is because he is disgusted by One Nation's betrayal. Those are his words. The mover of this motion wants to lecture us about the character of Jeff Drayton. The mover of this motion is a loser and a failure—a failure as Federal Parliamentary Labor Party leader, a failure in the ALP, a failure in the Liberal Democrats and a failure as a media commentator.

The Hon. Ben Franklin: Point of order—

The Hon. ROSE JACKSON: How do you even get sacked from Sky News? They will put Neo-Nazis on air.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Ben Franklin on a point of order. The member will resume her seat.

The Hon. Ben Franklin: Loath as I am to jump to the defence of my honourable friend—clearly he can defend himself—I feel that calling someone a loser and a failure is unparliamentary. We have to draw the line somewhere.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): It is disorderly, so rein it back a bit.

The Hon. Damien Tudehope: She knows it is a joke.

The Hon. ROSE JACKSON: The mover of this motion is the worst person in this House to be reflecting on the character and integrity of anyone else. I merely wanted to use my time to point out his character, his honesty and his integrity and to defend that of Jeff Drayton, who has spent his entire life and his entire career as a working man standing up for miners in the Upper Hunter.

The Hon. DANIEL MOOKHEY (17:44): What a pleasure to succeed my colleague the Hon. Rose Jackson at this lectern. I thought that I had dealt with this desperate tactic from two desperate parties yesterday, but, alas, I see they have come back for more. And tonight poor Duncan Gay has had to bear witness to this dictionary definition of "desperation" as two campaigns by two parties sink in the minds of the Upper Hunter and as their apparatchiks, from the floor of the Chamber, lead this desperate attempt to smear. That is what we have come to expect from the Leader of the House. That is what we have come to expect from the leader of One Nation, and it is appalling. What is worse is that they wage this campaign against Jeff Drayton and the Construction, Forestry, Mining, Maritime and Energy Union [CFMMEU]—the one union and the one leader of that union who, on behalf of every casual worker in Australia, won a landmark decision.

A casual worker in Woolworths in Wentworthville or a miner in the Upper Hunter both benefit from the strategy that Jeff Drayton and the CFMMEU pioneered and won on the picket lines and won in the tribunal. It delivered to every casual worker in Australia the right to get better entitlements, higher wages, leave and holidays. But, sadly, those workers lost those rights. How did they lose those rights? How did the 1.4 million casual workers and the many workers in the Hunter lose those rights? That happened because One Nation, The Nationals and the Liberal Party took to the floor of the Parliament and stole what those workers won on the picket lines and in the courts. They stole those wages and stole that income. That is what we have come to expect from The Nationals, who will sell out anyone for anything at any time. What is worse, not even The Nationals had the courage to wage this campaign. They sent in the Hon. Damien Tudehope to do it. They had to bowl up the Leader of the House. Not even one member of The Nationals had the integrity to stand on this matter and lead the charge. Outrageous!

The Hon. Damien Tudehope: Point of order: The last time I looked, the Hon. Sam Faraway was a member of The Nationals. I ask the Hon. Daniel Mookhey to withdraw his comment.

The Hon. DANIEL MOOKHEY: I am sorry that I may have inadvertently slurred the Hon. Sam Faraway by implying that he had better taste than to join The Nationals. He did not. He is guilty as charged. He is a member of The Nationals—the same party that has voted against regulation of labour hire in this place and the same party that has voted to take away workers' rights time and again. That party now has the audacity to style itself as the great defenders of workers against the ravages of labour hire. The labour hire model, which it now says is unacceptable, was pioneered and pushed by the Liberal Party and its allies. How much money has the Liberal Party taken from labour hire companies? How many contracts has the procurement Minister handed over to labour hire companies? Let us talk about labour hire companies.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I call the Hon. Damien Tudehope to order for the first time. He must refrain from interrupting all the time.

The Hon. DANIEL MOOKHEY: Thank you, Mr Deputy President. He was outrageous.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I suggest that the Hon. Daniel Mookhey direct his comments through me, which will discourage Minister Tudehope from engaging.

The Hon. DANIEL MOOKHEY: Sure. What is worse is that this attack culminates in a character assault on one of Labor's candidates. But one thing was missing when those opposite were giving us their free character analysis—one thing that I was not hearing at all from the Leader of the Government or the leader of One Nation. Not one of them, in discussing a motion about integrity, thought it wise to condemn the behaviour of the previous member for the Upper Hunter, Michael Johnsen. Not one of them was prepared to say that he had shown no integrity in his public service and no integrity in the Parliament. Not one member, and certainly not the Leader of the House, was prepared to denounce the very person who has brought about the by-election. In truth, while we had a lecture from Government members about standards to do with who sits in Parliament, it was The Nationals who returned Michael Johnsen to this place and failed in their preselection processes to exclude a person of such poor character from Parliament.

We in the Labor Party are eager to give the people of Upper Hunter a member they deserve: a person they can trust, a person who is not going to treat Parliament as a site for self-aggrandisement, a person who will use the privileges of this place to fight for every person in the Upper Hunter, regardless of whether they happen to be working in a mine, on a farm, in a stable or in a dairy. That person is Jeff Drayton. Labor is more than fine to put him up and pit him against any people the Government can put up.

Jeff Drayton is worth a thousand Michael Johnsens. He is worth a thousand Daryl Maguires. He is worth a thousand John Sidotis. All of them have been in this Government—every one of them. Where is the Liberal Party and The Nationals in driving those people out? At the same time that they are railing against Jeff Drayton, in the other House they are accepting the vote of John Sidoti and are refusing to push him out of Parliament. If this was a party that was serious about integrity, it would not be dragged down to ICAC every day of the week. The Liberal Party and The Nationals share their ICAC parking pass. The number of people who have been dragged through ICAC is unbelievable. The problem with the Michael Johnsen affair is that it is not an isolated incident. It happened time and again in the Upper Hunter. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I remind members to stop speaking when their time expires. They should respect the rules of the House.

The Hon. MARK LATHAM (17:50): In reply: It has been a wide-ranging debate. I thought I might start with the most audible, the Hon. Rose Jackson. Just when I think I have seen everything in politics, I get a lecture on life experience from the Hon. Rose Jackson, the entitled child of the ABC. We hear of people who were born with a silver spoon in their mouth; she was born with the silver ABC logo in her mouth. I saw some of the public largesse of the public broadcaster that funded the Jackson family. Talk about never having a real job. Seriously? No wonder she is laughing at herself. What an absurdity to present to this House.

Beyond that, the other absurdity was the faux defence of Jeff Drayton. The amazing thing was that four Labor MLCs are able to deny that Jeff Drayton got a cut of the \$307,000, but somehow Jeff Drayton could not say that to *The Daily Telegraph*. Why do these four know that Jeff did not get a cut when Jeff cannot say that under questioning from *The Daily Telegraph* in the middle of a by-election? If he did not get a cut, how hard is it to say to Anna Caldwell, "I did not see any of the money. Yes, I knew Jonno McTaggart. We went to the races together. But I did not see any of the money"? Why can they provide the denial but Drayton cannot? That is the lingering question. Drayton can issue a statement on social media or a press conference, but where is his denial? It makes the denials we have heard today empty. They were not there.

The defence by the Hon. Adam Searle was quite extraordinary. The Leader of the Opposition said, "Jeff identified illegality at the Bengalla mine as SubZero was shovelling in the casual labour hire workers." Jeff's response to this illegality was to create more illegality. If it was illegal under the black coal industry award, why would Jeff Drayton sign the enterprise agreement with clause 7.5 "casual employment" which wipes out all the entitlement and says that people can be sacked within an hour's notice in the workplace? Why would Jeff Drayton think that was the solution to illegality? If it is illegal to bring in the labour hire casual workers with SubZero, why is it somehow going to be great to bring them in with his mate McTaggart at Valley Labour Services?

Jeff Drayton signed the same agreement that the Leader of the Opposition defined as illegal. The measure of that is that when this thing was put on the open market, what did OneKey say about it? Did OneKey say, "No, Jeff has got us on the rack here. Jeff has got us covered. Jeff has come up with the provisions that will really do us in to stop us employing the casuals, to stop us using the labour hire"? No, OneKey said, "You beauty. This thing is worth \$300,000 to us." That is how much Jeff solved the problem—\$307,000 in corporate value at the expense of the workers. Money does not lie, the market does not lie and Jeff Drayton's sellout of the workers is crystal clear.

I will circle round the Chamber. The Acting Treasurer, the Leader of the House, has defined Matt Kean's statement of doing away with all the fossil fuels in 14 years' time as "a musing of a Minister". I wish that road map had been a musing. I wish 100 per cent renewables was a musing. I wish the Government's refusal to use coal-fired power in the future was a musing. It was a definitive statement of the Minister for Energy and Environment on *Four Corners* on the ABC. He said that all of the fossil fuels, coal, gas and oil, will all be gone in 14 years' time. No un-musing of that by the Acting Treasurer is going to undo it.

For entertainment value, nothing beat the contribution of The Greens member, their leader in waiting, Ms Abigail Boyd because she unbelievably invoked the Hunter Jobs Alliance as the solution in the transition to the clean energy economy. The Hunter Jobs Alliance showpiece employment plans for replacing somewhere between 75,000 and 110,000 coal-reliant jobs in the Hunter Valley are twofold. The first is floating windmills off Bar Beach in Newcastle. The second is to fill in the open-cut mines for water sports up the valley. There is not enough water in the Hunter, not in the ocean and not in the river. They are going to fill in the open-cut mines with water and create water sport tourism. It is such an insult to the workers. We got a definition lecture about honesty and integrity.

The honourable member said that coal has not got a long-term future. Under Greens' policy it has not got a short-term future either. Their plan is to abolish the coal industry today—110,000 jobs gone to be replaced by floating windmills off Bar Beach and water sports in the old open-cut pits. The Greens' policy is an endless series of Centrelink offices lined up one after another where working people lose the dignity of work, the hope for their

children and line up for welfare. That is the inevitable result of The Greens' policy the Hunter Jobs Alliance, and no whacko economic theory advanced by The Greens is going to change that reality. Workers would not have any long-term future. It would be a rust-bucket region hollowed out by unemployment. I praise the contribution of the outgoing leader of The Greens, Mr David Shoebridge, who gave something of a Federal election speech—"Written, spoken and authorised by David Shoebridge for the NSW Greens"—running for the Senate. The learned QC pointed out that Drayton had taken a cut. That was the impact of the "Shoe's" comments and I endorse that wholeheartedly.

No amount of sophistry or puffing up the chest and saying, "Drayton is a fighter for the workers" is going to change the reality of what is in that piece of rubbish enterprise agreement. That piece of rubbish which sells out workers cannot be undone. The Hon. John Graham said there is some grand conspiracy here. I will tell him where it started and ended. I know that I went out with Blockbuster and the fax machine, but I Googled Jeff Drayton and found the *Australian Financial Review* article from three years ago. There is no grand conspiracy or cleverly coordinated attack; it was in the newspaper from three years ago. The shame of this and the stain of this has been on the public record for all those years. For Labor to get a hold of this bloke—he is not a coalminer, is he; he is a union official—and roll him out as someone who has got something to do with coal is an insult to the workers of the Hunter Valley. This is the party that wants to abolish coal and get rid of all those jobs—and the workers in the Hunter Valley have had a gutful of these kinds of agreements.

The truth of Jeff Drayton is the disease of the modern Labor Party and the union movement. From the Australian Workers' Union through to the CFMEU, union officials get way too close to the bosses; it is true. When you come from a working class background, those lunches with the nice linen and the nice gear on the table are very tempting, are they not? When the corporate bosses take the union officials out to a fine restaurant, I suppose it is enticing. When Jonno McTaggart took Jeff Drayton out to the Muswellbrook Race Club, where McTaggart is a director, that was enticing too and it resulted in a \$307,000 sellout of the workers. That is the raw corporate value of the enterprise agreement. Drayton was responsible for it, he should be condemned and he has got a hide to run for any office at all.

Discussion concluded.

Bills

TAX ADMINISTRATION AMENDMENT (COMBATING WAGE THEFT) BILL 2021

First Reading

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

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:00): I move:

That this bill be now read a second time.

The Tax Administration Amendment (Combating Wage Theft) Bill 2021 amends the Taxation Administration Act 1996 to introduce measures to deter the underpayment of wages by employers. Payroll tax is paid by employers when total wages for a financial year are above \$1.2 million in New South Wales. Unpaid wages constitute taxable wages for the purposes of payroll tax. Modelling undertaken by PricewaterhouseCoopers estimates 13 per cent of Australian workers are underpaid a total of around \$1.35 billion per year, with potentially millions of dollars being missed out in payroll tax revenue on unpaid wages in New South Wales. Wage theft is a serious issue, and the underpayment of wages—whether deliberate or inadvertent—has been identified as a significant problem with several highly public instances of wage underpayments occurring in recent times.

Employers who engage in wage theft not only deprive workers of their due wages but also minimise their payroll tax liabilities owed to the people of New South Wales and thereby gain a competitive advantage over those who do the right thing. We can all agree in this place that that is unacceptable. There is great dignity in work and having a job, and employees should expect the correct wages for their work. The bill does not seek to criminalise wage theft. As I will mention, this is a national issue and it requires a national framework. What this bill does do, however, is to provide confidence to the people of New South Wales that Revenue NSW is doing its job when it comes to collecting avoided payroll tax on wage theft—and payroll tax generally—on behalf of families, businesses and local communities around the State. This is significant. This critical revenue delivers so much public good, whether it is vital infrastructure and community amenities such as roads, hospitals, and schools. Each new project brings with it new opportunities, new jobs, new prospects for so many different communities, and the people of New South Wales should have confidence that this revenue is being collected.

The bill will go some way towards demonstrating that this work is being done by diligent and hardworking public servants in Revenue NSW for the benefit of the people of New South Wales. The bill's proposed amendments will deter wage underpayment by allowing Revenue NSW to: name employers that have underpaid wages and thus minimised their payroll tax liability; disclose information to the Fair Work Ombudsman to assist in its investigations of wage underpayment; disclose information to Industrial Relations NSW to assist in its investigations of long service leave breaches; and reassess and recover payroll tax on wages underpaid by an employer more than five years after the initial assessment was made. The bill will also strengthen the maximum penalties for offences under the Taxation Administration Act 1996 which do not relate specifically to wage underpayments but are broader to encompass taxpayer activities that may impede a proper assessment of their liabilities including failing to keep records, or knowingly giving false or misleading information.

I will now speak to each of these measures in detail. Firstly, naming provisions. Currently secrecy provisions in the Taxation Administration Act do not allow for the publication of information relating to individual taxpayers, as my friend the Hon. Daniel Mookhey well knows. When it comes to payroll tax investigations generally, we do know that Revenue NSW is on the case. In 2019-20, 140.49 full-time employee compliance staff at Revenue NSW pursued 4,215 payroll tax compliance investigations and 79 per cent of these investigations resulted in additional revenue, totalling \$168.9 million. In 2020-21 as at 28 February 2021, 147.57 full-time equivalent compliance staff had identified \$143 million additional revenue from 1,386 payroll tax investigations.

Under the bill, taxpayers found to have engaged in wage theft by the Fair Work Ombudsman will risk being named by the Chief Commissioner if, due to wage theft, they have also avoided or minimised their payroll tax liabilities. This power will be at the Chief Commissioner's discretion, but in accordance with ministerial guidelines that I issue that will provide guidance on the circumstances in which it may be appropriate to name a taxpayer. These may include, for example, where a taxpayer has engaged in systemic or repeated wage underpayment behaviours, or where there are other circumstances warranting disclosure. By the same token, the ministerial guidelines will balance the need to discourage payroll tax avoidance through wage theft with the need to avoid tarnishing a taxpayer's reputation where it would be unnecessarily punitive. For example, it may not be considered appropriate to name a small business that has made an honest mistake in trying to adhere to the relevant, but often complex, Commonwealth awards framework, or where a taxpayer has otherwise had a good compliance history. These ministerial guidelines will be developed as soon as possible on the passing of the bill through the Parliament.

The second issue is disclosing information to the Fair Work Ombudsman and Industrial Relations NSW. In administering payroll tax, Revenue NSW often obtains information about employers and their employees' wages. This information may be relevant and helpful to the Fair Work Ombudsman when investigating wage theft. In a similar capacity, this information may assist Industrial Relations NSW within the Department of Premier and Cabinet in investigating potential breaches of the Long Service Leave Act 1955. Currently, Revenue NSW is not able to disclose information to either the Fair Work Ombudsman or to Industrial Relations NSW, and the proposed amendments contained in the bill will allow them to do so.

In relation to reassessment of payroll tax beyond five years, at present Revenue NSW can only reassess a tax liability within five years of the initial assessment, except in very limited circumstances. One exception is where the taxpayer did not disclose all the facts and circumstances affecting its liability to Revenue NSW. If wage underpayment is uncovered five years or more after the initial payroll tax assessment, Revenue NSW can only reassess payroll tax on those unpaid wages where it can establish that the wage theft was deliberate. The proposed amendment will allow Revenue NSW to reassess payroll tax on unpaid wages more than five years after the initial assessment, regardless of whether the wage underpayment was deliberate or inadvertent. This amendment will further encourage employers to pay their workers the correct wages and ensure that employers who underpay do not unfairly benefit from a lower payroll tax liability simply because the underpayment was not detected until five years after the initial tax assessment.

The next issue is the stronger penalties under the Taxation Administration Act 1996. I turn to the penalties that will be enhanced under this bill. The penalties apply to offences which may be relevant to instances of wage underpayment, such as where an employer deliberately provides false or misleading information about the wages payable to its employees. However, the offences themselves are not specific to wage theft but relate to taxpayer behaviour generally that is associated with avoiding or minimising tax or otherwise hindering Revenue NSW's compliance activities. The current penalties are inadequate and are, in general, significantly lower than those for the same or comparable offences in other Australian jurisdictions.

For example, in Victoria the maximum penalty for making knowingly false or misleading records is 240 penalty units, or \$39,653, while in New South Wales the maximum penalty is 100 penalty units, or \$11,000. Since the Taxation Administration Act 1996 was introduced, the penalties have not been updated. Increasing the penalties sends a clear message to those taxpayers who engage in, or who consider engaging in,

blatant efforts to avoid or minimise their tax obligations in an unlawful way. Those provisions will strengthen deterrence, provide greater encouragement to taxpayers to be mindful of their obligations, and provide New South Wales tax officers with teeth to carry out their compliance activities in an effective way.

The provisions provide for maximum penalties to be generally increased by 2.5 times, while penalties for more serious offences, such as providing false or misleading information, will be increased by five times. The bill also introduces a new general offence for the evasion or attempted evasion of tax, which will carry a maximum penalty of 1,000 penalty units or two years' imprisonment, or both. At the risk of being accused of gazing into a magical crystal ball, I wholeheartedly agree with the position that will no doubt be proffered by those opposite, including my counterpart, the Hon. Daniel Mookhey, who will take responsibility for this bill.

He would argue that where systemic or recalcitrant wage theft occurs, this behaviour should be criminalised and the full force of the law applied. I agree with the honourable member. As I have said on many occasions, wage theft is unacceptable and any employer who is engaging in the deliberate underpayment of their workers should be held to account. However, New South Wales is not the jurisdiction to criminalise wage theft. This is a national issue and requires a national framework. I urge members in this place: Please do not allow what you consider to be perfect to be the enemy of the good. Support this bill. It is a good bill, and worthy of support.

Wage theft is a serious issue and deserves serious action to deter, penalise and send a clear message that employees deserve to be paid what they are properly due. This bill will not stop wage theft, nor will it criminalise this shameful activity. But I say to those opposite: What we have here before us is the opportunity to support workers and put employers who do the wrong thing by their employees on notice. What we have here before us is an opportunity to provide more tools to the best public service in the world to ensure that the people of New South Wales are not missing out when it comes to payroll tax on unpaid wages. Ultimately, what we have here before us is an opportunity to ensure that we maintain our reputation as the best place in the world to live, work, start a business and raise a family. I encourage those opposite and all in this place to ensure this bill passes through the Parliament, helps the workers of New South Wales and ensures that they are paid what they are entitled to. I commend the bill to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. BEN FRANKLIN: I move:

That Government business notice of motion No. 2 be postponed to a later hour of the sitting.

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

That Government business orders of the day Nos 1 to 5 be postponed to a later hour of the sitting.

Motion agreed to.

Bills

HEAVY VEHICLE LEGISLATION AMENDMENT (NATIONAL REGULATOR) BILL 2021

Second Reading Speech

The Hon. BEN FRANKLIN (18:14): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Heavy Vehicle Legislation Amendment (National Regulator) Bill 2021. The purpose of the bill is to give effect to the transfer of certain functions under the Heavy Vehicle National Law from Transport for NSW to the National Heavy Vehicle Regulator. The principal objectives of the bill are to provide for the transfer of certain members of staff from Transport for NSW to the National Heavy Vehicle Regulator and to safeguard their employment conditions, as well as to enable the Minister to direct by written order that specified assets, rights or liabilities of Transport for NSW be transferred to the National Heavy Vehicle Regulator. The bill will also enable Transport for NSW to obtain and use, in the exercise of its statutory functions, information held by the National Heavy Vehicle Regulator and to provide the regulator with certain information to enable it to undertake its functions in New South Wales.

The transfer of New South Wales' heavy vehicle regulatory functions to the National Heavy Vehicle Regulator is the final significant step in a more than 10-year national reform journey. In 2009 the former Council of Australian Governments agreed to create national regulatory regimes for heavy vehicle safety and productivity, rail safety and domestic commercial vessel safety. The aim of these

reforms was to improve safety and reduce costs and regulatory burden for Australian transport companies operating between States. The establishment of national regulatory regimes for rail safety and domestic commercial vessel safety is now complete. In 2019 the Office of the National Rail Safety Regulator assumed direct responsibility for rail safety regulation in each jurisdiction under the Rail Safety National Law. New South Wales terminated its service-level agreement and transitioned its rail safety regulatory functions and staff to the Office of the National Rail Safety Regulator in 2017. The Australian Maritime Safety Authority assumed full responsibility for the regulation of domestic commercial vessels in all States and Territories in July 2018. The National Heavy Vehicle Regulator was established under the Heavy Vehicle National Law and is responsible for the regulation of heavy vehicles over 4½ tonnes, except in the Northern Territory and Western Australia.

Although the National Heavy Vehicle Regulator commenced operation in 2014, jurisdictions continue to undertake heavy vehicle regulatory services on behalf of the National Heavy Vehicle Regulator under delegations and service-level agreements. These agreements allow the National Heavy Vehicle Regulator to develop administrative arrangements and build systems to support a smoother transition to the new national regime. They also provide an opportunity for the regulator to mature before assuming direct responsibility of the national regulatory regime. The time has now come to phase out the service-level agreements with the National Heavy Vehicle Regulator to realise the safety and productivity benefits of having a national regulatory system for heavy vehicles. To this end, South Australia transitioned its heavy vehicle regulatory services to the National Heavy Vehicle Regulator in 2017, Tasmania in 2018, and the Australian Capital Territory and Victoria in 2019. Queensland is expected to transition after New South Wales.

Before agreeing to phase out its service level agreement, New South Wales sought the agreement of the former Transport and Infrastructure Council in November 2019 for an independent assurance review to be undertaken. The purpose of the National Heavy Vehicle Regulator's Services Transition Assurance Review was to assure Ministers that the operating model the National Heavy Vehicle Regulator implements meets agreed national outcomes—that is, primarily improved safety outcomes during and following transitions. New South Wales undertook a similar assurance review process before agreeing to transfer its rail safety regulatory services to the Office of the National Rail Safety Regulator. A key recommendation of the assurance review was that the National Heavy Vehicle Regulator develop a strategic direction on its intended regulatory approach. The rationale for this recommendation was to provide Ministers with assurance that appropriate steps are in place to ensure heavy vehicle industry performance and public safety are maintained, and continuously improved, throughout the transition to the National Heavy Vehicle Regulator.

In response to this recommendation, the National Heavy Vehicle Regulator has developed a national regulatory model that describes its approach to risk-based regulation for heavy vehicles. The National Heavy Vehicle Regulator has also developed a number of strategies detailing how it proposes to implement the national regulatory model consistent with the review recommendations. The review also identified the need for the national regulator to be responsive to State Ministers in maintaining road safety outcomes post-transition. Specifically, the review recommended the development of a national statement of expectations that details the expectation of Ministers for the operation and performance of the National Heavy Vehicle Regulator in achieving the objects of the Heavy Vehicle National Law.

The inaugural statement of expectations, endorsed by transport Ministers in November 2020, details specific outcomes and priorities for the National Heavy Vehicle Regulator to deliver nationally. These outcomes and priorities relate to improving safety for all transport users, embracing innovation and technology in transport and transport infrastructure, ensuring that the transport system supports productivity and livable cities and regions, and maximising freight productivity. The statement of expectations includes high-level performance expectations about the way the National Heavy Vehicle Regulator performs its regulatory functions and performance monitoring and measurement will be undertaken. The statement of expectations also includes jurisdiction-specific requirements, performance expectations and other requirements.

The New South Wales specific requirements will be included in future statements of expectations before final transition to the National Heavy Vehicle Regulator. In preparation for transition, the National Heavy Vehicle Regulator is proposing to adopt a like-for-like service delivery approach for the heavy vehicle regulatory program in New South Wales, except where the service can be enhanced through the adoption of national systems and/or procedures at the time of transition. It is important to emphasise that a like-for-like service delivery approach means that the National Heavy Vehicle Regulator will continue to deliver heavy vehicle regulatory services utilising the same staff, in the same locations, using the same physical resources as occurs now. Importantly, regional and metropolitan employment will not be reduced as a result of the transition to the National Heavy Vehicle Regulator.

The National Heavy Vehicle Regulator will continue to have access to the necessary New South Wales systems and data to maintain the same regional presence, although it will not own any assets, such as property and infrastructure. This data, together with the national compliance data, will ensure more effective compliance monitoring and regulatory outcomes, and support the development of a unified regulatory mode for the heavy vehicle sector. In order to deliver nationally consistent regulation for industry and customers, New South Wales has agreed to the National Heavy Vehicle Regulator delivering the New South Wales heavy vehicle inspection scheme under a service level agreement with Transport for NSW.

While the requirement for heavy vehicles to be inspected is primarily for New South Wales registration purposes, these inspections are also a significant component of the overall heavy vehicle compliance monitoring strategy for vehicle standards, ensuring compliance under the Heavy Vehicle National Law in New South Wales. By assuming responsibility for the New South Wales heavy vehicle inspection scheme, the National Heavy Vehicle Regulator will have a more comprehensive view of the New South Wales fleet, which will better enable an integrated risk-based approach to operator and vehicle compliance. It will also mean that the National Heavy Vehicle Regulator will have access to a considerable amount of data on heavy vehicle roadworthiness. This will further inform the development of the national regulatory model and supporting strategies to ensure more effective compliance and enforcement activities across jurisdictions.

The transfer of the heavy vehicle inspection service to the National Heavy Vehicle Regulator will also mean the regulator will acquire valuable mechanically qualified resources that will enhance its national regulatory capability. Importantly, it will mean that our heavy vehicle customers will continue to deal with one regulator for on-road and roadworthiness matters. It is also intended that the National Heavy Vehicle Regulator will also deliver a number of other heavy vehicle related regulatory services on behalf of New South Wales. These services include compliance monitoring and enforcement of heavy vehicle registration and driver licence requirements, and compliance monitoring and enforcement of heavy vehicle access limits imposed under State laws.

To support heavy vehicle regulatory operations in New South Wales, Transport for NSW will continue to deliver a number of services on behalf of the National Heavy Vehicle Regulator under a memorandum of understanding. These services relate to the approval and management of third-party service providers for vehicle modifications and the clearance of vehicle defect notices, and the partial

transition of mapping of enforceable networks. It is expected that it will take approximately 18 months before the National Heavy Vehicle Regulator and Transport for NSW complete their transition readiness activities and for the National Heavy Vehicle Regulator to be in position to assume full responsibility for delivering Heavy Vehicle National Law and Heavy Vehicle Inspection Scheme functions in New South Wales. This means that the transition of functions and staff is most likely to occur in the middle of 2022. I advise the House that the transition will also only occur once both Minister Constance and I are satisfied that Transport for NSW and the National Heavy Vehicle Regulator are in a position to implement a seamless transition.

Schedule 1 to the bill amends the Heavy Vehicle (Adoption of National Law) Act 2013 to enable Transport for NSW to obtain and use, in the exercise of its statutory functions, information held by the National Heavy Vehicle Regulator, and to provide the regulator with certain information. New section 25 provides that Transport for NSW may, on its own initiative or at the request of the regulator, provide the regulator with assistance, advice or certain information, as is reasonably required by the regulator to exercise its functions under the Heavy Vehicle (Adoption of National Law) Act, the Heavy Vehicle National Law (NSW) or another law. This information will include information given in confidence, in the possession or control of Transport for NSW as well as personal information kept in a register maintained by Transport for NSW under the road transport legislation, and other information prescribed by the regulations.

In addition, the regulator may disclose information to Transport for NSW, as is reasonably required by Transport for NSW to exercise its functions under the Heavy Vehicle (Adoption of National Law) Act, the Heavy Vehicle National Law (NSW) or another law—for example, for the regulator to provide data and analysis on heavy vehicle compliance and movements to allow Transport for NSW to undertake its road manager and road network policy functions. Transport for NSW may use information disclosed under this provision for a purpose relating to the exercise of its functions, including its delegated functions. The bill further contains provisions to facilitate the giving of evidence of speed and vehicle dimensions obtained under the Road Transport Act in proceedings for a safety duties offence related to a failure to manage speed, or a dimension offence against the Heavy Vehicle National Law (NSW). The bill also clarifies the roles in the giving of evidence by certificate by the regulator and Transport for NSW generally.

Maintaining safety outcomes in New South Wales will be critical post-transition, particularly as New South Wales has historically had a very comprehensive heavy vehicle compliance and enforcement approach that we do not want to see diminished. For this reason, new section 31 provides for the Minister to enter into the national statement of expectations that I described earlier. The statement of expectations will detail high-level performance expectations about the way the National Heavy Vehicle Regulator performs its regulatory functions, including jurisdiction-specific requirements, performance expectations and other requirements, and thus ensure that the regulator remains accountable for the future delivery of heavy vehicle regulatory services in New South Wales.

Schedule 2 to the bill amends the Transport Administration Act 1988 to address arrangements for the transfer of staff, assets, rights or liabilities from Transport for NSW to the National Heavy Vehicle Regulator. To facilitate transition and to ensure business continuity, new section 105A enables the Minister to direct, by written order, that specified assets, rights or liabilities of Transport for NSW be transferred to the regulator. To allow the National Heavy Vehicle Regulator to deliver a number of additional heavy vehicle-related regulatory services on behalf of the New South Wales Government, such as the Heavy Vehicle Inspection Scheme, a new function for Transport for NSW will be inserted into clause 8H (1) (d) of schedule 1 to the Transport Administration Act. This new function will clarify that Transport for NSW may engage the National Heavy Vehicle Regulator to carry out activities or functions under this or another Act on its behalf. This will mean that Transport for NSW will be able to delegate functions to the National Heavy Vehicle Regulator to ensure that it has the necessary powers to carry out the required regulatory services in New South Wales.

To facilitate the transition of staff from Transport for NSW to the National Heavy Vehicle Regulator and to ensure protections for staff terms and conditions of employment, including superannuation and extended or long service leave entitlements, a number of amendments are made to schedule 7 to the Transport Administration Act relating to savings, transitional and other provisions. These amendments provide that the Minister may, by written order, transfer the employment of a relevant employee to the employment of the National Heavy Vehicle Regulator. The transfer of employment will result in the employee's employment with Transport for NSW ending and their employment with the regulator commencing. As a consequence of the arrangements in the bill, there will be a transfer of business for the purposes of the Fair Work Act 2009. Importantly, after transfer the terms and conditions of employment for award employees will be the State award, as it applied to them immediately before their transfer, although it will operate as a copied State award under the Fair Work Act 2009.

For contract employees, the terms and conditions will be determined by the Minister and specified in the order that transfers an employee's employment. For permanent and award employees, there will be an employment guarantee period of two years after the transfer date. For temporary award employees, the employment guarantee will be the remainder of the employee's current term of employment or the period of two years after the transfer date, whichever period ends first. The employment guarantee is similar to the guarantee given when New South Wales Land and Property Information staff, responsible for land titles and registry functions, were transferred in 2016. The continuity of service of transferred employees will also be recognised for all purposes, and any rights to accrued sick leave, family and community services leave, unpaid annual leave or extended or long service leave will be transferred. At the time of transfer, employees will be able to opt to be paid all or part of their accrued annual leave and, if they have completed more than seven years of service, their extended or long service leave.

Superannuation arrangements will continue, including membership of defined benefit schemes. The bill also replicates the current practice of not providing redundancies or other termination payments where a transferred employee's role in a new entity is comparable in terms of function and terms and conditions to their role prior to their transfer. This principle has been applied in the transition of New South Wales employees on many similar occasions previously, including in the case of New South Wales Land and Property Information and in the transition from the former Independent Transport Safety Regulator to the Office of the National Rail Safety Regulator. A workforce strategy is being developed in consultation with staff and the Public Service Association to support the operation of these provisions. The aim of the workforce strategy is to provide a fair, equitable and transparent transition process and criteria for determining which roles, positions and employees from Transport for NSW should transfer to the National Heavy Vehicle Regulator.

It will be a straightforward decision to transfer to the National Heavy Vehicle Regulator those roles that perform 100 per cent of Heavy Vehicle National Law and the Heavy Vehicle Inspection Scheme. However, a portion of roles currently perform work for the National Heavy Vehicle Regulator and Transport for NSW. These are referred to as blended roles. Only some of these roles and the employees in them will transfer to the National Heavy Vehicle Regulator. In deciding which of the blended roles will transfer and which roles will be retained by Transport for NSW, consideration will be given to the proportion of transferring or non-transferring work performed by each role. Business considerations will also be taken into account to ensure continuity of activities for Transport

for NSW and the Heavy Vehicle National Regulator. Transport for NSW will consult with the Public Service Association and employees on the proposed staff placement process for the roles that will transfer and those that will be retained by Transport for NSW.

It is important to note that there will be a role for all employees. All affected roles will be retained by either Transport for NSW or the National Heavy Vehicle Regulator. All retained roles will have the same or substantially the same accountabilities and responsibilities as they do now. Furthermore, all roles are anticipated to remain in the same location and employment in regional and rural communities will not be affected. Following the transition process, any proposed changes arising from normal business adjustments will be completed in consultation with employees in accordance with normal change management processes. In addition, I can advise that the chief executive of the regulator and the chairman of the regulator's board have offered to brief the Opposition and crossbench on the regulator's approaches to undertaking heavy vehicle regulatory services and workforce issues post-transition.

In addition to providing certainty to Transport for NSW employees, these measures will ensure that the knowledge and expertise employees have in delivering heavy vehicle regulatory services will be maintained. It will also allow the National Heavy Vehicle Regulator to build on this expertise to achieve improved safety and productivity outcomes not only within New South Wales, but also nationally. Finally, schedule 3 to the bill makes consequential amendments to enable the National Heavy Vehicle Regulator to perform its functions in New South Wales. Schedule 3.1 amends the definition of "law enforcement officer" in the Fines Act 1996 to include an employee or officer of the National Heavy Vehicle Regulator. Similarly, clause 3.3 amends the definition of "prescribed officer" in the Roads Transport Act 2013 to include an employee or an officer of the National Heavy Vehicle Regulator. Staff have been kept fully informed for some time about the transfer. They now know the way forward and are keen to gain certainty and move on with the process, which is expected to take 18 months. Transport for NSW and the National Heavy Vehicle Regulator will continue to consult with staff to ensure that their confidence and trust is upheld throughout this process.

In addition, the Public Service Association has been consulted regularly over a long period through biannual meetings with the union, Transport for NSW and the National Heavy Vehicle Regulator. It will continue to be consulted throughout the transition process. The Public Service Association has also been engaged more recently on the details of the transfer arrangements and workforce strategy, and is generally supportive. Transport for NSW will continue to engage with the Public Service Association as it works through the development and implementation of the final workforce strategy to resolve any outstanding matters. Members of the heavy vehicle industry have been consulted throughout the transition process, including the NSW Road Freight Industry Council and Road Freight NSW, and are broadly supportive of the transition.

I am pleased to inform the House that the transition of the Heavy Vehicle National Law functions together with the New South Wales Heavy Vehicle Inspection Scheme functions will complete the important reforms to establish national regulatory regimes for heavy vehicle safety and productivity, rail safety and domestic commercial vessel safety. Now is the opportunity for the National Heavy Vehicle Regulator to join other national regulators in achieving the improved safety and productivity gains envisaged by these reforms. I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (18:16): It was evident during my consultation with stakeholders on this bill that it is a development that will be welcomed by industry. That is because its purpose is to integrate the inspection, enforcement and related functions currently performed by Transport for NSW into those of the National Heavy Vehicle Regulator [NHVR]. As Minister Toole said in his second reading speech in the other place, once this bill is given effect it will be the final step operationally in the integration of the NHVR into New South Wales. He also said that South Australia, Tasmania, the Australian Capital Territory and Victoria have already passed legislation to transition heavy vehicle regulatory services, with Queensland set to follow New South Wales. And, just to be clear, Western Australia and the Northern Territory are not part of the national heavy vehicle regulatory framework.

In my discussions with caucus members about the bill, the member for Maroubra informed me that he was the New South Wales roads Minister at the start of this process many years ago. He tells me that the full integration was always intended to take place following the agreement of the Commonwealth, State and Territory transport and roads Ministers on a Heavy Vehicle National Law and to establish the NHVR. It has a number of benefits for industry and the broader community. Industry stakeholders feel the main benefit arising from the adoption of this bill is that compliance, enforcement, inspection, data collection and analysis, as well as other functions, will be performed by the NHVR. It is the hope of some stakeholders that legacy systems and cultures that have developed and have been nurtured within Roads and Maritime Services will vanish over time.

My reading of the bill suggests that it provides for a number of things to occur. In the consultation with stakeholders some issues were raised. There is something I will do first. Deputy President, you will be interested to know that I am about to do this because you invest so much time and effort into this committee. I will quote a few things from the Legislation Review Digest, if I may. When appraising the Heavy Vehicle Legislation Amendment (National Regulator) Bill 2021—and I have raised this with the Minister's office—the committee stated:

Schedule 1[3] of the Bill provides Transport for NSW (TfNSW) with a general power to transfer to the National Heavy Vehicle Regulator (NHVR) certain information in possession by TfNSW, including personal information, and to obtain and use certain information held by the NHVR. The Committee notes that personal information held by TfNSW that may be provided to NHVR may infringe upon an individual's right to privacy.

I ask the Parliamentary Secretary in the reply speech to talk through what provisions are put in place to guarantee that there will be no privacy breaches. During consultation on the bill with stakeholders, a couple of issues were

raised that require clarification. I ask the Parliamentary Secretary to assist in that matter. Schedule 1, section 25 (2) states:

Despite this Act or another law, the Regulator may, at the request of TfNSW, disclose information to TfNSW, as is reasonably required by TfNSW to exercise its functions under this Act, the *Heavy Vehicle National Law (NSW)* or another law.

The question is: How is that going to work? And what are the protections put in place around that provision? The other issue that was raised relates to section 31, which states:

The Minister for Transport and Roads may enter into an agreement with the Regulator in relation to a statement of expectations.

I ask the Parliamentary Secretary to provide an example of how that will work. What are some of the statements of expectations that would be included in such an arrangement or agreement? There is no need to labour on this. I just want to say a couple of other things. I extend my appreciation to the Minister's office for its valuable assistance and consultation on the bill. I acknowledge Minister Toole, who was in the Chamber for the bill.

The Hon. Penny Sharpe: Blink and you miss it.

The Hon. MICK VEITCH: Notice I did not say how long. He spent some time talking to me about this piece of legislation. I also acknowledge the Hon. Duncan Gay, a former member of the House who is now Chair of the NHVR. He also had a discussion with me about this piece of legislation. It is good to have him in the President's gallery observing this process. I know he would love to be here guiding this through, but it is in relatively good hands. With that, the Opposition supports the legislation.

Mr DAVID SHOEBRIDGE (18:19): On behalf of The Greens, I indicate that we do not oppose the Heavy Vehicle Legislation Amendment (National Regulator) Bill 2021. The purpose of the bill is to amend the Heavy Vehicle (Adoption of National Law) Act 2013 to do a number of things. Firstly, it seeks to consolidate the transfer to a national regulatory system for heavy vehicles. Secondly, the bills seeks to transfer certain functions from the Heavy Vehicle National Law [HVNL] to the National Heavy Vehicle Regulator. Thirdly, the bill seeks to transfer certain members of staff from Transport for NSW to the National Heavy Vehicle Regulator, or NHVR. Fourthly, the bill seeks to enable the Minister to direct the transfer of specified assets, rights and liabilities of Transport for NSW to the NHVR. Lastly, it seeks to enable Transport for NSW to work in conjunction with the NHVR by obtaining and using information and providing the regulator with certain information. As the Hon. Mick Veitch indicated, this has been a long time coming. I am tempted to say it has been a long road, but I will not go that low in my contribution to the debate. It is a long pathway to reform.

The Heavy Vehicle (Adoption of National Law) Act 2013—that says it all, 2013—was passed to provide Heavy Vehicle National Law and national regulations for vehicles over 4.5 tonnes gross vehicle mass. The Act allowed for the commencement of the NHVR in 2014. I note that we have Duncan Gay, Chair of the NHVR, in the President's gallery today. Some people might have thought they wished they had him here a couple of days ago. However, State jurisdictions continued to undertake heavy vehicle regulatory services effectively as an agent of the NHVR under delegations and service-level agreements. That has been the system that has been clunking along for the past seven or so years and always with the promise of having this final national reform.

I am not necessarily a great lover of centralising things at a national level. I think there is a huge amount of benefit in having States, which are much closer to service provision and are generally much better at providing services than the Commonwealth, being the main regulatory arms. But when it comes to national heavy vehicles, whose purpose in life is often to just keep crossing State and Territory borders, that is one space where having a central regulator and a central repository does make sense.

Prior to this, in 2009 the former Council of Australian Governments—we even abolished the Council of Australian Governments since that happened—established an Intergovernmental Agreement on Heavy Vehicle Regulatory Reform, consisting of uniform laws that were meant to be administered by a single national regulator. Those reforms aimed to improve safety, and reduce costs and regulatory burden for transport companies operating between States and avoid what was otherwise happening, which was a race to the bottom in compliance standards, registration and the like. Roll on 10 years, in 2019 the former New South Wales Transport and Infrastructure Council undertook a National Heavy Vehicle Regulator's Services Transition Assurance Review. At some point someone should write a history of the acronyms of moving into this regulatory space, but I digress.

The National Heavy Vehicle Regulator's Services Transition Assurance Review confirmed that the NHVR's proposed operating model met agreed national outcomes and followed transitions to the NHVR. The NHVR has now developed a national regulatory model with a risk-based regulation for heavy vehicles and has outlined strategies detailing how this model will be implemented with the review recommendations. The bill aims to consolidate the transfer of New South Wales' heavy vehicle regulatory functions to the NHVR. This will phase out State service-level agreements and finally provide that national regulatory system for heavy vehicles.

The NHVR has also proposed to implement a like-for-like service delivery approach through the transition. That will allow the NHVR to continue to operate services with the same staff at the same locations and with the physical resources currently utilised. The transition of functions and staff is most likely, we are told, to occur in the middle of 2022. I finally respond by saying this: A key issue for The Greens was ensuring that the employees' rights were protected in the course of this transition. We looked at this in great detail at schedule 2 and the provisions relation to relevant employees and made sure that those protections are meaningful and, as I understand it, they are being negotiated in good faith with the unions who cover the employees. For those reasons, The Greens do not oppose the bill.

The Hon. JOHN GRAHAM (18:25): I echo two things that the Hon. Mick Veitch said as he led the Opposition in debate on the bill. Firstly, I recognise the former roads Minister the Hon. Duncan Gay and thank him for his role in guiding the Opposition on the bill. His position has been influential. I also echo the Hon. Mick Veitch in thanking the Minister and his office. We found the information supplied by the Minister really helpful. The Opposition has been critical in this place at times about some of the information supplied by transport agencies or by other ministerial colleagues, but we really appreciate the role that the Minister has played on the bill.

The Hon. BEN FRANKLIN (18:26): On behalf of the Hon. Don Harwin: In reply: I thank the three speakers who spoke this evening for their excellent and brief contributions that will be appreciated by every member of this House. I also echo the words of the Hon. Mick Veitch, Mr David Shoebridge and the Hon. John Graham in welcoming back a titan of this place, the Hon. Duncan Gay, who is of course the current Chair of the NHVR, and to thank him for his continuous work on those issues about which he cares so passionately and deeply. I also acknowledge Paul Toole, the Deputy Leader of The Nationals and the Minister for Regional Transport and Roads, who does such an outstanding job. As the speakers have noted, the bill is the final step in a national reform journey that commenced over 10 years ago to create a national regulatory regime—

Mr David Shoebridge: Point of order: Mr Deputy President, this is a second go at a second reading speech and you have previously made rulings in relation to that. He has prepared notes for a reply.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Indeed, but I think the member is going to address specific questions raised by the Hon. Mick Veitch, who I suspect might have been given a heads-up. The member has the call.

The Hon. BEN FRANKLIN: Thank you very much, Mr Deputy President, and if Mr David Shoebridge had waited for about another three lines, he would have found exactly what you very wisely foresaw was going to be in my contribution. I thank the Hon. Mick Veitch for his engagement with the Minister's office on the issue at hand, and I note the Opposition's support—and, in fact, the support of The Greens—for the bill and acknowledgement that we are on the right path. However, the Hon. Mick Veitch did indeed raise some very specific queries about how certain provisions in the bill will work in practice, and I am delighted to put them officially on the record in reply at the conclusion of the second debate, which is the appropriate place to do it.

The first query concerns the transfer of information to the National Heavy Vehicle Regulator and back to Transport for NSW. In relation to the regulatory flow of information between the two agencies, this is needed for a number of reasons: firstly, to enable the field officers to carry out Transport for NSW functions under delegation; secondly, to enable the NHVR to use information gathered via the Transport for NSW network cameras; and, thirdly, to enable Transport for NSW to collect information from the NHVR to inform network planning, heavy vehicle access and broader road and freight policy.

Currently Transport field officers carry out a dual role. They provide on-road compliance for both heavy vehicle regulation—the functions of the NHVR, such as mass, dimension, fatigue, safety systems and so forth—and native New South Wales transport law compliance for all vehicles, both light and heavy. For example, driver licences, vehicle registrations and manner-of-driving issues. Once those field staff are all transferred to the NHVR, Transport for NSW will lose its in-house capability to have on-road enforcement of certain State law matters. It is intended that, in a role reversal, Transport for NSW will engage and delegate to the NHVR, which will continue to carry out those activities on its behalf. Of course, the NSW Police Force will continue its important safety enforcement role. This, necessarily, will require the NHVR staff to have access to, and the ability to collect and use, driver licence information, vehicle registration information and other information relating to State-based records, such as demerits, licence photos and so forth. In addition, in order to continue to be the eyes and ears for Transport for NSW, NHVR staff will need access to information gathered by Transport for NSW via its extensive traffic camera network.

The proposed amendments will secure the free flow of this information to allow a seamless transition of enforcement and compliance functions from Transport for NSW to the NHVR. The reverse is also important. Once the transition occurs, Transport for NSW will no longer have access to the essential information relating to heavy vehicle movements, mass, dimension, road use, pinch points, pain points and issues, which currently allows

it to effectively manage the New South Wales road network, carry out the freight task and plan for the future. The provision is designed to allow the flow of such information between the NHVR and Transport for NSW, noting that some of it may contain personal information, such as operator details, vehicle details and so forth. The Hon. Mick Veitch also sought clarification around personal information and the right to privacy. I make it clear that no additional personal information will be collected from the public under this reform that is not already collected by Transport for NSW, and no increased use will be made of any of that information.

The same regulatory and safety regimes that are currently in place will continue to be administered as they always have been. These measures simply allow the task to be shared between Transport for NSW and the NHVR, ensuring a smooth transition using existing staff and resources, and maintaining safety measures that the New South Wales public has come to expect in the regulation of heavy vehicles. I note that while the NHVR is not a New South Wales public sector agency, it is governed by equivalent privacy protection legislation in Queensland and part 13.4 of the Heavy Vehicle National Law, which contains a suite of privacy measures designed to ensure that there is an appropriate balance between safety regulation and privacy.

Mr David Shoebridge raised an issue about employee rights. The provision of safeguards for staff who transfer is a key element of the bill. To provide certainty for employees, protections for terms and conditions of employment and an employment guarantee period are provided. A flexible commencement date is needed to allow the National Heavy Vehicle Regulator to make the necessary administrative arrangements to assume direct responsibility for regulating New South Wales heavy vehicle services and the New South Wales Heavy Vehicle Inspection Scheme.

It is expected to take about 18 months for those administrative arrangements to be put in place before the National Heavy Vehicle Regulator will be in a position to transition. That means that the transition of functions and staff is most likely to occur around mid-2022. Importantly, transition will occur only when the New South Wales Government is satisfied that Transport for NSW and the National Heavy Vehicle Regulator are in a position to implement a seamless transition to ensure that there is no disruption to the New South Wales heavy vehicle industry. That will require the National Heavy Vehicle Regulator to complete and submit a business readiness assessment to the Minister for Regional Transport and Roads and the Minister for Transport and Roads. If the Ministers are satisfied that the National Heavy Vehicle Regulator is ready to undertake direct responsibility for heavy vehicle regulation in New South Wales, the final decision to transition will then be made. A similar process was recently adopted when Victoria transitioned its heavy vehicle regulatory services to the National Heavy Vehicle Regulator.

I provide further information about how the provision allowing the Minister to enter into an agreement with the regulator will work. To support transition, an independent assurance review was undertaken of the National Heavy Vehicle Regulator. New South Wales undertook a similar assurance review process before agreeing to transfer New South Wales rail safety regulatory services to the Office of the National Rail Safety Regulator. To ensure jurisdictions maintain control over road safety outcomes post-transition, the review recommended the development of a national statement of expectations to be endorsed annually by national infrastructure and transport Ministers. The statement of expectations details the expectations of Ministers for the operation and performance of the National Heavy Vehicle Regulator, including jurisdictions' specific requirements and performance expectations, with performance monitoring and measurements being undertaken.

As an additional safeguard, in recognition of the strong record of heavy vehicle compliance and enforcement in this State, the New South Wales Minister may enter into an agreement with the regulator on a statement of expectations. Therefore, at both the national and local New South Wales level the NHVR will be accountable for the future delivery of heavy vehicle regulatory services in New South Wales and for ensuring that safety standards are maintained. We have been moving towards a single national regulator for heavy vehicles for some time. The National Heavy Vehicle Regulator was established in 2014 under the Heavy Vehicle National Law. Initially, jurisdictions undertook heavy vehicle regulatory services on behalf of the National Heavy Vehicle Regulator under delegations and service-level agreements.

Mr David Shoebridge: Point of order: I may have jumped the gun earlier—

The Hon. BEN FRANKLIN: Indeed, but you have not now.

Mr David Shoebridge: —but I have not now.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I am sympathetic to your submission. Noting my sympathy, how is the Hon. Ben Franklin going?

The Hon. BEN FRANKLIN: I am doing extremely well, thank you. I would like to conclude by saying that in addition to providing certainty to Transport for NSW employees, the excellent measures in the bill will ensure that the knowledge and expertise employees have in delivering heavy vehicle regulatory services will be

maintained. It will also allow the National Heavy Vehicle Regulator to build on that expertise to achieve improved safety and productivity outcomes, not only within New South Wales but also nationally. Therefore, I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

Condolences

HIS ROYAL HIGHNESS PRINCE PHILIP, DUKE OF EDINBURGH

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (18:37): I move:

That the following Address of Condolence to Her Majesty the Queen and members of the Royal Family be adopted:

To Her Majesty Queen Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

MAY IT PLEASE YOUR MAJESTY —

We the Members of the Legislative Council of New South Wales, in Parliament assembled, on our own behalf and on behalf of the people of New South Wales express to Your Majesty and other members of the Royal Family, our sorrow and heartfelt sympathy at the death of His Royal Highness Prince Philip, the Duke of Edinburgh on 9 April 2021.

His Royal Highness Prince Philippos of Greece and Denmark was born on 10 June 1921 at Mon Repos on the island of Corfu off the coast of western Greece. He was a descendant of the kings of Denmark, the United Kingdom and Prussia, and of the czars of Russia also. In fact, so close a relative was he to the last Russian czar and czarina, his DNA was used to verify their remains found in a mine shaft near Yekaterinburg. In some ways, he was more royal than his wife, our queen. He was sixth in line to the Greek throne at birth. However, he regarded himself as Danish by nationality, had no Greek blood and did not speak the language.

His father, Prince Andreas, a general in the Greek army, narrowly escaped with his life after being scapegoated for his actions in connection to the disastrous invasion of Asia Minor in 1921. Prince Philip's family then went into exile in Paris. Despite being effectively orphaned, with his father leaving him to be cared for by his mother's relatives during her prolonged period of serious mental illness, Prince Philip is remembered as a resilient child, determined to get on with his life. From the age of 11, he lived with his Mountbatten relatives in England during his school holidays from Cheam School, the Salem school in Germany and finally Gordonstoun School in Scotland.

His Mountbatten grandfather, Prince Louis of Battenberg, and his uncle the Earl Mountbatten of Burma both served as First Sea Lord in the Royal Navy. While he would have preferred the Royal Air Force, family pressure led him to join the Royal Navy in early 1939. He graduated as the best cadet in his course. But for his marriage, many believe he had the capacity to have served as First Sea Lord on merit as well. He served with distinction in World War II. His early service in 1940 was on a battleship protecting convoys of the Australian Expeditionary Force in the Indian Ocean. Around this time he made his first visit to Australia; some 22 other visits were to follow. After being promoted in 1941, he fought on ships in major naval battles in the Mediterranean for the next three years. As second-in-command of HMS *Wallace*, he is credited with devising a plan that saved the ship from bomber attack in July 1943. He finished his war service in the British Pacific fleet and was present at the signing of the *Instrument of Surrender* by the Japanese in Tokyo Bay.

After his marriage to Her Royal Highness Princess Elizabeth, the heiress presumptive to the British throne, he served in a role at the Admiralty in London and later at the Naval Staff College at Greenwich. From 1949 to July 1951, after promotion to first lieutenant, he was posted to HMS *Chequers* of the Mediterranean fleet and stationed at Malta. In July 1950 he was promoted again to lieutenant commander in command of a frigate, HMS *Magpie*. His active naval career came to an end in July 1951 when he and Princess Elizabeth returned to London as the health of King George VI began to seriously deteriorate due to his suffering from lung cancer. At the end of January 1952 they commenced a Commonwealth tour and were in the midst of the Kenyan leg when the King died. It fell to Prince Philip to inform the new queen of her father's death. From that point on, his life was never the same.

As a naval officer his life had been about duty, and it remained about duty from that time. Throughout his long life his duty was to love, protect and support the Queen. Like his great-great grandfather Albert, Prince Consort, husband of Queen Victoria, he came to a role with no position description. Albert was an extraordinary figure in mid-nineteenth century Britain, a very hard act to follow. But like Albert, Prince Philip forged a role and left his mark on his adopted country and the Commonwealth. This role was diverse but there were five very strong themes for which he will be remembered. First and foremost, he established the Duke of Edinburgh's Award in 1956. This youth awards program recognises adolescents and young adults for completing a series of self-improvement exercises, taking between one and four years to complete. It must be completed by the participant's twenty-fifth birthday. About eight million young people have completed a gold, silver or bronze award, with a profound legacy across more than 130 countries.

Second, he had a serious interest in supporting science and design. He believed in the centrality of engineering in driving innovation. In a typically forthright observation back in 2016 he offered, "Everything that wasn't invented by God is invented by an engineer." He valued the practical and he wanted to know how things work. He used the soft power of Buckingham Palace to bring together engineers whom he believed would be central to reviving British industry, which was exhausted after the war effort. Here in Australia he was patron of the Australian Academy of Science and of the Institution of Engineers, Australia. Third, he had a genuine passion for conservation. People familiar with his work remember his pioneering efforts promoting environmental causes and drawing attention to the plight of wildlife endangered by poaching, deforestation and pollution. He helped found the World Wide Fund for Nature in 1961 and he authored several books about the threats faced by endangered animals.

In Australia he served for 15 years as president of the Australian Conservation Foundation, having played a role in its establishment in 1963. He took an interest in a number of issues, particularly the protection of the Great Barrier Reef and Kakadu. Whilst The Queen enjoyed public precedence within the royal family, he enjoyed headship. Having been born into a royal house with a chequered history, he was a great believer in modernising the monarchy as an institution. In particular he wanted to demystify the monarchy. He brought cameras into the coronation and experimented with a document on the royal family. Debutante presentations at the palace for establishment young ladies were replaced with the Buckingham Palace garden parties, which included a wide range of local communities. He championed reforms to the royal household to secure efficiency.

His record as a father, grandfather and great-grandfather has provoked diverse commentary during his lifetime—even from his own children—but since his death it has been touching to read of how much he meant to individual members of the royal family, including stories like his relationship with his granddaughter Lady Louise Windsor and their shared passions. There is no doubt his death has left an enormous chasm in their lives. Fifth, and most importantly, he has been what Her Majesty The Queen described on her golden wedding anniversary as the following:

Quite simply, my strength and stay all these years, and I and his whole family and this and many other countries owe him a debt greater than he would ever claim or we shall ever know.

He has done his duty, loving her, protecting her and supporting her, as a husband and father, as a consort, as patron of over 800 organisations and having undertaken over 22,000 public engagements. He will be remembered for his enormous contribution and for having touched so many lives.

In Australia, and no doubt in this Chamber, there are many who question whether constitutional monarchy continues to be the best form of government for our nation, with a sovereign who lives elsewhere and who we share with 15 other nations. Yet The Queen and her family remain admired and respected for their work, and held in genuine affection by many Australians. Prince Philip was no different. Former Prime Minister Julia Gillard remarked that his "robust humour and common sense have always resonated with the Australian character". I invite honourable members to join me in expressing to Her Majesty and other members of the royal family our sorrow and heartfelt sympathy at the death of His Royal Highness Prince Philip The Duke of Edinburgh. I commend the motion to the House.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

WEE WAA HIGH SCHOOL

The Hon. MARK BANASIAK (18:48): I speak on the deteriorating conditions that the students enrolled at Wee Waa High School are experiencing. Last year the Wee Waa High School was closed, with the department relocating students to the primary school following a health crisis believed to be related to an unconfirmed mould issue. The high school students have been placed in demountable buildings, moved from the contaminated high school site to the shared primary school site. The illnesses are still occurring. Deep environmental cleaning is occurring fortnightly at the high school and, most recently, a forensic clean has occurred at the primary school. Students are again being told to work from home. How could the department move known contaminated buildings to another site and expect no illnesses to occur? The answers to questions regarding decisions made have not been forthcoming—either from the Minister or her department. I am demanding that we get answers here and now.

The Wee Waa High School and primary school situation is now dire. When probed in question time today, by me and by others the answers again were not forthcoming. To say that you are acting on the advice from the community is contrary to what we are being told by that very same community. To say that you take the situation very seriously is hard to stomach for those community members.

HSC students are losing face-to-face learning time, which is integral to their futures. The Minister and the department need to adjust the final HSC marks as a way to balance out the cost to the students of their poor decisions. This week we learnt from parents that primary and high school students cannot bring anything to school but the clothes on their backs. That means that kids cannot bring an asthma inhaler or an EpiPen to school. I know from direct experience that school first-aid kits do not include inhalers. The Government claims that it is doing everything it can to put the safety of students and teachers first. Primary school students are being withdrawn from classes and attendance is dropping dramatically. This is our kids' futures we are talking about.

When questioned about the instructions that the Minister has given to minimise the harm caused to students and teachers, she should be able to provide answers readily. However, the Minister refuses to answer anything directly. No-one is satisfied with her responses; they do not add up. An abc.net.au article quoted her as saying that she instructed the department to close the school on 13 November 2020, yet on 1 April 2021 she told ABC Breakfast that the students were relocated to the primary school by the start of term four. By my records, that was 12 October 2020.

Other information tells us that the department knew about the issue following a teacher's incident report in February 2020 and further reports in July 2020. Community members have reported students getting sick since 2007. So what is the truth? If the Government was first notified in August, why were the teachers and students exposed for so long? These are some of the questions for which we are demanding answers. When a community health crisis impacts hundreds of students, it should be made public knowledge. The Minister cannot claim that educational outcomes are not being affected and students are continuing to get a good education when students are reporting that they are spending their time at school playing computer games and watching DVDs instead of learning because they are so under-resourced.

Yesterday a local news bulletin reported that a business case plan has been submitted to Treasury for a new school site at Wee Waa. The Minister and the department must do what they said they would do and carry out authentic consultation with the school community about the new site. I offer a lesson to the education Minister: Authentic consultation does not mean that the community finds out about matters during question time. The Minister needs to step out from behind the shadow of the spin doctors in her department's media unit to convey a clear and concise truth to the community of Wee Waa.

COVID-19 AND STATE ECONOMY

The Hon. SCOTT FARLOW (18:52): Following the most significant economic shock in living memory as a result of the COVID-19 pandemic, the initial economic recovery in New South Wales exceeded expectations. The State is rebounding and rebuilding and the Government is bringing back jobs. While the economy is not yet back to where it was before the pandemic, the gap has closed faster than anticipated at the time of the budget, largely due to the Government's success in containing the spread of the virus. This has allowed the economy to reopen much sooner than first thought and to stay open. That can be seen in the February employment figures released by the Australian Bureau of Statistics, which show that from the height of COVID in May 2020 the State has regained 271,400 jobs, with 52,600 being created between January and March alone. These promising figures represent a strong recovery from the height of COVID in New South Wales and have seen the unemployment rate reduced to 5.4 per cent, which is below the national average, and the participation rate increased to 65.7 per cent.

Thankfully we have the leadership of Premier Berejiklian, who is the best of all the Premiers in Australia. Today she showed that again following the re-emergence of COVID in our community. We continue to see proportionate COVID restrictions in line with expert health advice from NSW Health. The continued effort to

safely, sustainably and proportionately adapt the restrictions has been one of the driving forces of the economic recovery and represents a cautious and considered step back towards normality while living with the virus. The suite of temporary and targeted stimulus and support measures implemented by the Government has put the State's economy in a much better position to spring back with the progressive easing of restrictions.

Since March 2020 the Government has made almost \$29 billion available over five years to support communities, businesses and the economy as part of its package of response, recovery and reform measures. That funding includes \$3 billion for the health response, the \$3 billion Jobs and Infrastructure Acceleration Fund and an initial \$500 million capital maintenance package. That is in addition to a range of measures that support businesses, including the \$750 million small business support fund; the \$1.6 billion Digital Restart Fund; \$500 million for the Dine & Discover scheme to stimulate the economy—which Minister Tudehope and I have been very happy to promote across New South Wales, particularly in Strathfield as members heard earlier this week—\$472 million made available in April to allow small businesses to claim up to \$1,500 in rebates against government fees and charges; a \$20 million partnership with the City of Sydney to revitalise the CBD; and \$2.1 billion of savings to businesses via a payroll tax rate reduction and \$744 million of savings via an increase to the payroll tax threshold.

The Government has also provided \$318.6 million for Skilling for Recovery to help job seekers retrain or upskill and aid school leavers to enter the workforce, and a range of other training and skilling programs in infrastructure, transport, and the housing and construction sector. The feedback we continue to receive is that business needs more skills and business needs more people to take on jobs. That is something felt all across the economy and all across the State. Over 52,000 small businesses have accessed a \$10,000 grant for immediate relief during the New South Wales lockdown, while over 36,000 accessed a \$3,000 grant to help them reopen safely. Over 10,000 businesses have been supported through the Business Connect program, which provides advice to business owners to help adapt their small business. NSW Treasury also instituted regular forums, which I have participated in alongside key stakeholders including the Business Council of Australia, Business NSW, and the Council of Small Business Organisations Australia.

These forums have been instrumental in ensuring that the Government is aware of significant business issues and abreast of business insights. We have constantly heard from the business community that the forums have been pivotal in feedback and engagement with the Government and have been very different to what they have experienced in other States. In particular, that has been the feedback from the Council of Small Business Organisations Australia and the Business Council of Australia, and featured at the recent annual gala dinner that I attended. While we are not past COVID—and we have been reminded of that in the past couple of days—and may not be for many years to come, thanks to the efforts of the New South Wales Government, the populous of New South Wales and New South Wales business our economy is strong, jobs are coming back and we are well on the track to recovery.

WORKERS RIGHT TO DISCONNECT

The Hon. ADAM SEARLE (18:56): The barriers between our homes and our workplaces are rapidly blurring. With technological developments workers are now much more accessible to their employers after hours than ever before. There has been an intensification of work, which has been exacerbated by the COVID-19 pandemic. Working from home at more frequent rates, the onset of digital surveillance of employees, and increasing work insecurity across industries are significant contributors to the intensification of work. Working unpaid hours has also, unfortunately, become a common trait in our workforce coming at a cost to both our workers and the wider economy. It is evident that our industrial relations system has not kept pace with the transformation in our working lives.

The ACTU and Unions NSW have asserted that workers should have a right to disconnect. The ACTU working from home survey published in November 2020 demonstrated that 40 per cent of workers are working longer hours and 90 per cent are not being paid overtime or penalty rates. Unfortunately, the survey also reveals that 49 per cent of home workers are experiencing mental health issues and 48 per cent are having difficulty separating work and home life. It is essential that there is a way of reinforcing the distinction between work and non-work hours as there is a significant risk to the mental health of workers, to say nothing of encroachment on personal and family time. The notion of a right to disconnect is gaining traction. The Police Association of Victoria recently secured the right to disconnect for an estimated 17,000 police officers through its enterprise bargaining agreement.

It essentially prevents superiors contacting members of the police force outside of work hours with the exception of emergencies. For officers below a certain rank there is an availability allowance for each hour they are required to be contactable when they are off duty. Globally the movement for the right to disconnect has been securing momentum. In 2017 France became the first country to pass legislation giving workers the right to disconnect, requiring that companies with more than 50 employees must enact a charter enforcing that right. There

has been criticism over the purported weakness of France's legislation; however it did spur on further progress internationally. In 2018 legislation enshrining the right to digital disconnection was enacted in Spain. In January this year the European Union Parliament voted for a motion calling on the European Union Commission to put forward legislation permitting employees to digitally disconnect outside their work hours. In April a new code of practice came into effect in Ireland giving workers the right to disconnect. The government argues that it is essential that employees have a right to switch off after work hours. The Canadian Government is also examining a comparable policy.

Unpaid overtime is exceedingly problematic for our workers and is becoming so frequent that it now requires addressing squarely. The Australia Institute's report from November 2020 concludes that across Australia's workforce unpaid overtime amounts to 2.9 billion hours a year. The Australia Institute identifies that there is an annual average of 273 hours of unpaid overtime completed per year per worker. Not only are individuals and families missing out on personal and family time; it also detrimentally impacts our economy because largely they are not getting paid overtime. That is money that is not in their pockets and going back to the community. In fact the institute has argued that in 2020 unpaid overtime represented a collective income loss of \$98.6 billion for Australian workers, approximately three times the budget for JobSeeker. That income loss would clearly impact household spending power and is detrimental to the economy. Businesses that are either failing or attempting to recover due to the economic crisis created by the pandemic are missing out on income. It is in the best interests of workers and the wider economy that this money be distributed throughout the whole economy.

The transformation of our working lives has seen employers argue that they have provided increased flexibility for employees, which of course has been spurred on by the necessity created by the pandemic. While this has been to the benefit of many workers, it does not come without a cost and, of course, it is to the detriment of other workers. Employees are constantly working unpaid hours and are under pressure to be available outside of their working day. People should have the right to switch off and there should be a clear boundary separating work and home hours at some point. It is important for their health and safety. It is also essential that they have the right to be paid for the increasing encroachment on their home lives. In fact in 2015 the economics writer for *The Sydney Morning Herald*, Jessica Irvine, said that if workers spent only 10 minutes a day outside of work hours checking their emails, they would earn themselves the equivalent of an additional week of annual holidays. And if we take into account the 273 hours of unpaid overtime, that represents a burden on our workforce.

COALMINING INDUSTRY CASUAL EMPLOYMENT

The Hon. ROBERT BORSAK (19:01): The Shooters, Fishers and Farmers Party has always supported coalmining in Australia. Equally, we understand and accept mining and farming coexist and are two of the most essential and profitable industries keeping our country's economy strong. Unfortunately, the bigger an industry gets, the more opportunities there are for people who want to do the wrong thing. The Shooters, Fishers and Farmers Party wants to ensure that casual New South Wales coalminers doing like-for-like work, wearing the same shirt, doing the same job, receive the same workers compensation entitlements as their full-time equivalents.

The substitution of labour hire companies as prime employer of these employees is a ploy that allows for wage theft. Equally, we want to ensure good, secure and stable jobs for coalminers who have been working full-time hours for an extended period. It is absolutely abhorrent that casual coalmine employees, many of whom have been in the industry for many years, can be terminated with a minimum of one hour's notice and are provided with no entitlement to annual leave, carer's leave or paid compassionate leave.

Why are we feathering the nest of private labour hire companies, many of whom are based overseas? The mining industry is regulated by State and Federal government bodies. We need stronger State and Federal laws to make it unlawful to use casuals in full-time roles. Awards are legislated federally once they are lodged with the Fair Work Commission. However, workers compensation is a State responsibility. This is where changes need to be effected to ensure fairer workers compensation and full-time quotas to stop the nefarious abuse of casual workers. The notice of motion that I moved on behalf of the Shooters, Fishers and Farmers Party the other day does exactly that.

We will be seeking to amend the legislation to provide for casual coalmine workers to receive the same workers compensation entitlements as full-time workers. We will also be seeking to make it a condition of development consent for new and expanded mines that at least 75 per cent of the mine's production and engineering workers are directly employed by the mine's owner or operator. This change would ensure that they cannot get around it by employing administrative staff to make up the percentage and will also ensure that they cannot outsource the work. Furthermore, there is an inherent conflict between coalminers' insurance and coal health services. Effectively, the same body that assesses and manages your injuries also assesses your insurance claim. No-one loses if these roles are split, which is exactly what should happen, and what we will be seeking to do through legislation.

When the bill soon comes before this House we expect the Government to support it, but given its recent track record in relation to coal-fired power, I will not hold my breath. We know that there is not an appetite for coal-fired power in the Liberal ranks. However, I would have thought that The Nationals would at least put up some sort of fight for the people that work in these industries in their electorates, particularly for the coalminers in the Upper Hunter. Instead, we have seen The Nationals side with their Liberal colleagues time and again in choosing to shut those stations and invest billions in renewable energy zones that have no proven track record of reliable or affordable energy supply. True to form, we now have an orchestrated punch up between "pork-Barilaro" and the Liberals, when in fact he is simply whipping the Premier and his liberal colleagues with a feather duster he carries around in his back pocket.

The PRESIDENT: Is a member from the Labor Party seeking the call? The Hon. Penny Sharpe is not here. In that case, I will say a few words. Members, it has been a tumultuous week—probably one that is best left behind us. I thank all honourable members for their forbearance. Thank you for your patience and goodwill. I wish you all a very, very peaceful weekend, some time with your family—and of course on Mother's Day this Sunday.

The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 19:05 until Tuesday 11 May 2021 at 14:30.