



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Tuesday, 8 June 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 8 June 2021

The PRESIDENT (The Hon. Matthew Ryan Mason-Cox) took the chair at 14:30.

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.

Governor

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I report receipt of a message from Her Excellency the Governor acknowledging receipt of my letter dated 6 May 2021, which advised that Mr Peter John Poulos was elected as a member of the Legislative Council to fill the seat vacated by Mr John Ajaka.

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report receipt of messages regarding the administration of the Government.

Bills

HEAVY VEHICLE LEGISLATION AMENDMENT (NATIONAL REGULATOR) BILL 2021

REAL PROPERTY AMENDMENT (CERTIFICATES OF TITLE) BILL 2021

LOCAL GOVERNMENT AMENDMENT BILL 2021

PAYROLL TAX AMENDMENT (JOBS PLUS) BILL 2021

Assent

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

MANDATORY DISEASE TESTING BILL 2020

Messages

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

Commemorations

BICENTENARY OF THE LEGISLATIVE COUNCIL

The PRESIDENT (14:34): Honourable members, Saturday 22 May 2021 was an important and impressive anniversary. One hundred and sixty-five years ago to the day this Chamber was used for the first time for the opening of what is now referred to as the "First Parliament" in the bicameral system of responsible government in New South Wales. It is important to understand and commemorate the history and origins of the Legislative Council. We are surrounded by history in this venerable building, which is both a House of Parliament and a living museum. The Legislative Council is the institution that gave the people of New South Wales the beginnings of representative government in 1823 and 1824. In 1823 the Legislative Council was established by the passage of the New South Wales Act through the British Parliament, while on 25 August 1824 the Legislative Council met for the first time, with Governor Brisbane presiding. This was effectively Australia's *Magna Carta* moment from which our unique democratic institutions have evolved.

Twenty years later, the Legislative Council was the first Parliament for which the people of New South Wales were able to vote. Today, the Legislative Council upholds the tradition of representing the people, without fear or favour, by holding the Executive Government to account and allowing the voices of all groups in the community to be heard. As your President, I am strongly committed to maintaining the finest traditions of this House. In this regard, I am committed to making the lead-up to the bicentenary of the Legislative Council in 2023 and 2024 a celebration of this House's rich and significant history—indeed, a celebration of 200 years of democracy. But we must not be complacent. It is also an occasion to examine the functioning of the House and how it could be improved. We must also acknowledge that the democratic journey has not always been linear and that the colony in which the Legislative Council was first established in the 1820s was a very different place.

As well as being about the past, the bicentenary is also an opportunity to reach out and engage with the community to make the citizens of New South Wales aware of the vital role of this House in our democratic process. Between now and the end of this, the Fifty-Seventh Parliament, I intend to make a series of periodic statements reflecting upon different aspects of the establishment of the Legislative Council, including the events, ideas and values that shaped its birth.

I will shortly be establishing a steering committee to assist in guiding the plans for events to commemorate the bicentenary and the commissioning and publication of historical research which will provide a lasting legacy. I am hoping that a member of the Government, a member of the Opposition and at least one crossbench member will join that steering committee. We will be engaging with historians and a range of stakeholders with an interest in these matters, including the Aboriginal community. I invite all honourable members to join with me in making the Bicentenary of the Legislative Council an appropriate celebration of the rich history and essential role of this House in the development of responsible government in the State of New South Wales and in the Commonwealth of Australia.

Documents

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table the Special Report of the Ombudsman entitled *Strip searches conducted after an incident at Frank Baxter Youth Justice Centre*, dated 8 June 2021, received out of session and authorised to be made public on this day.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

Motions

MANLY YOUTH AND ADOLESCENT HOSPICE

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (14:39):
I move:

That this House notes that:

- (a) on Monday 10 May 2021 the official sod turning of the Adolescent and Young Adult Hospice located at the former Manly Hospital site took place;
- (b) the Adolescent and Young Adult Hospice will be the first of its kind in Australia, dedicated to 15- to 24-year-olds living with an incurable illness, providing first-class palliative care services and support;
- (c) the Adolescent and Young Adult Hospice was funded by the New South Wales and Federal governments, along with the philanthropic donations of the Poche family and the broader community; and
- (d) in attendance were:
 - (i) Premier the Hon. Gladys Berejiklian, MP;
 - (ii) the Hon. Natalie Ward, MLC;
 - (iii) member for Manly Mr James Griffin, MP;
 - (iv) Senator Mr Andrew Bragg;
 - (v) Mrs Kay Van Norton Poche and Mr Greg Poche;
 - (vi) Northern Beaches Mayor Michael Regan;
 - (vii) former Manly Mayor Mrs Jean Hay, AM, and former member for Manly and former Mayor of Manly Mr David Hay;
 - (viii) Northern Sydney Local Health District Chief Executive Ms Deb Wilcox;
 - (ix) Bear Cottage Nursing Unit Manager, Ms Narelle Martin;
 - (x) former patients of Bear Cottage, Mr Scott Green and Mr Matthew Van Hoek and their families;
 - (xi) Uncle Neil Evers;
 - (xii) Manly Hospital Auxiliary members, Ms Michaelle Stewart and Ms Susie Musgrove;
 - (xiii) Manly Woman of the Year, Ms Sam McCourt;
 - (xiv) Manly Chamber of Commerce CEO Ms Charlotte Rimmer; and

(xv) Community Northern Beaches Executive Director Mr John Kelly.

Motion agreed to.

Petitions

RESPONSES TO PETITIONS

Public School at Gregory Hills

The Hon. DAMIEN TUDEHOPE: I lodge a response to the following petition signed by more than 500 persons:

Public School at Gregory Hills—lodged 24 March 2021—(The Hon. Mark Latham)

I move:

That the document be printed.

Motion agreed to.

Documents

TABLING OF PAPERS

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

Company Constitution of Australian Education Research Organisation Limited, according to Part I, Section 6 of the Premier's Memorandum entitled *Formation and Operation of Public Sector Subsidiaries*.

I move:

That the document be printed.

Motion agreed to.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. TREVOR KHAN: I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 31/57*, dated 8 June 2021. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. SHAYNE MALLARD: I table report No. 48 of the Selection of Bills Committee, dated 8 June 2021. I move:

That the report be printed.

Motion agreed to.

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

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

- (a) Better Regulation Legislation Amendment (Miscellaneous) Bill 2021;
- (b) Building Legislation Amendment Bill 2021;
- (c) Children's Guardian Amendment (Child Safe Scheme) Bill 2021;
- (d) Greyhound Racing Amendment (Whole-of Life-Tracking) Bill 2021; and
- (e) Law Enforcement Conduct Commission Amendment (Commissioners) Bill 2021.

Motion agreed to.**PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Reports**

The Hon. TARA MORIARTY: I table report No. 54 of Portfolio Committee No. 1 - Premier and Finance entitled *Tax Administration Amendment (Combating Wage Theft) Bill 2021*, dated June 2021, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.*Business of the House***RESTORATION OF BUSINESS**

The Hon. DAMIEN TUDEHOPE: According to the resolution of the House of 11 May 2021, I move:

That the Tax Administration Amendment (Combating Wage Theft) Bill 2021 be restored to the *Notice Paper* and the second reading of the bill stand as an order of the day for a later hour of the sitting.

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

The Hon. TARA MORIARTY: I table report No. 55 of Portfolio Committee No. 1 - Premier and Finance entitled *Mutual Recognition (New South Wales) Amendment Bill 2021*, dated June 2021, together with transcripts of evidence, submissions, tabled documents and correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.*Bills***MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021****First Reading**

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

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That the second reading of the bill stand as an order of the day for a later hour of the sitting.

Motion agreed to.*Documents***AUDITOR-GENERAL****Reports**

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

- (1) Performance Audit Report of the Auditor-General entitled *Acquisition of 4-6 Grand Avenue, Camellia*, dated 18 May 2021, received out of session and authorised to be printed on 18 May 2021.
- (2) Financial Audit Report of the Auditor-General entitled *Report on Local Government 2020*, dated 27 May 2021, received out of session and authorised to be printed on 27 May 2021.
- (3) Performance Audit Report of the Auditor-General entitled *Responses to homelessness*, dated 4 June 2021, received out of session and authorised to be printed on 4 June 2021.

*Committees***PORTFOLIO COMMITTEE NO. 2 - HEALTH****Reports**

The CLERK: According to standing order, I announce receipt of report No. 56 of Portfolio Committee No. 2 - Health entitled *Budget Estimates 2020-2021*, dated May 2021, together with transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, received out of session and authorised to be printed on 18 May 2021.

The Hon. COURTNEY HOUSSOS (14:47): On behalf of the Hon. Greg Donnelly: I move:

That the House take note of the report.

Debate adjourned.

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

The CLERK: According to standing order, I announce receipt of report No. 14 of Portfolio Committee No. 6 - Transport and Customer Service entitled *Budget Estimates 2020-2021*, dated May 2021, together with transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, received out of session and authorised to be printed on 18 May 2021.

Ms ABIGAIL BOYD (14:48): I move:

That the House take note of the report.

Debate adjourned.

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

The CLERK: According to standing order, I announce receipt of report No. 7 of Portfolio Committee No. 7 - Planning and Environment entitled *Budget Estimates 2020-2021*, dated May 2021, together with transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, received out of session and authorised to be printed on 18 May 2021.

Ms CATE FAEHRMANN (14:48): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 2 - HEALTH**Government Response**

The CLERK: According to standing order, I announce receipt of the Government response to report No. 55 of Portfolio Committee No. 2 - Health entitled *Current and future provision of health services in the South-West Sydney Growth Region*, tabled 30 November 2020, received out of session and authorised to be printed on 28 May 2021.

*Documents***WAGES POLICY TASKFORCE****Claim of Privilege**

The CLERK: According to the resolution of the House of Wednesday 16 September 2020, I table a return identifying additional documents received on Wednesday 19 May 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

NOETIC BUSHFIRE REPORTS**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table correspondence relating to a further order for papers regarding bushfire reports by Noetic, received on Wednesday

19 May 2021 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided are held.

SNOWY VALLEYS COUNCIL AND COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL DEMERGER

Correspondence

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table correspondence relating to an order for papers regarding demerger proposals for both the Snowy Valleys Council and the Cootamundra-Gundagai Regional Council, received on Friday 14 May 2021 from the General Counsel of the Department of Premier and Cabinet, stating that the resolution seeks documents from the Local Government Boundaries Commission, an independent statutory body that is not subject to the Minister for Local Government.

Correspondence

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table correspondence relating to an order for papers regarding demerger proposals for both the Snowy Valleys Council and the Cootamundra-Gundagai Regional Council, received on Wednesday 19 May 2021 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution.

SENIOR EXECUTIVE ROLES AND REMUNERATION

Return to Order

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding senior executive roles and remuneration, received on Wednesday 19 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 19 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Correspondence

The CLERK: I table correspondence relating to an order for papers regarding senior executive roles and remuneration, received on Tuesday 1 June 2021 from the Director of the Legal Branch, Department of Premier and Cabinet, stating that Document No. (E) 2; Document MT20/1725 is privileged and was placed incorrectly in the non-privilege box.

MONARO FARMING SYSTEMS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 March 2021, I table additional documents relating to an order for papers regarding Monaro Farming Systems, received on Wednesday 19 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 19 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

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

Claim of Privilege

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

NATIVE FOREST MANAGEMENT

Correspondence

The CLERK: According to paragraphs (1) and (2) of the resolution of the House of Wednesday 12 May 2021, I table correspondence relating to an order for papers regarding forestry operations in public forests, received on Tuesday 18 May 2021 from the General Counsel of the Department of Premier and Cabinet, stating that paragraph (2) requires documents from the Department of Planning, Industry and Environment and Regional NSW, and does not identify the Minister who is responsible for the order.

Return to Order

The CLERK: According to paragraphs (1) and (2) of the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding forestry operations in public forests, received on Thursday 20 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Thursday 20 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only

Return to Order

The CLERK: According to paragraphs (1) and (2) of the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding forestry operations in public forests, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

SYDNEY METRO WESTERN SYDNEY AIRPORT PROJECT

Return to Order

The CLERK: According to the resolution of the House of Wednesday 24 March 2021, I table documents relating to an order for papers regarding the Sydney Metro Western Sydney Airport Project, received on Tuesday 25 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Tuesday 25 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

JAMES BUSBY HIGH SCHOOL

Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to an order for papers regarding James Busby High School, received on Wednesday 26 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 26 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

INSURANCE AND CARE NSW

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to a further order for papers regarding the administration of Insurance and Care NSW, received on

Wednesday 26 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 26 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

EASTLAKES SHOPPING CENTRE

Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to an order for papers regarding the Eastlakes Shopping modification, received on Wednesday 26 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 26 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ALEXANDRIA PARK COMMUNITY SCHOOL

Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to an order for papers regarding Alexandria Park Community School enrolments, received on Wednesday 26 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 26 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

WATER MODELLING

Correspondence

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table correspondence relating to an order for papers regarding water modelling, received on Thursday 20 May 2021 from the General Counsel of the Department of Premier and Cabinet, stating that the order requires documents from the Minister for Water and the Minister for Environment, and that no Ministers of the Crown are currently commissioned as the Minister for Water and Minister for Environment.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to an order for papers regarding water modelling, received on Thursday 27 May 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Thursday 27 May 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

TAFE NSW CAMPUSES

Return to Order

The CLERK: According to the resolution of the House of Wednesday 24 March 2021, I table documents relating to an order for papers regarding the sale of TAFE NSW Campuses, received on Tuesday 1 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Tuesday 1 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

LOCKYER STREET, GOULBURN**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table correspondence relating to an order for papers regarding the incident on Lockyer Street, Goulburn, received on Tuesday 25 May 2021 from the Secretary of the Department of Premier and Cabinet, stating that the Minister for Police and Emergency Services and the Minister for Health and Research hold no documents covered by the terms of the resolution, and that the NSW Police Force and the Ministry of Health on behalf of NSW Ambulance, have written to the department to advise that they are still in the process of reviewing documents for privilege, and will produce documents as soon as reviews are complete.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table documents relating to an order for papers regarding the incident on Lockyer Street, Goulburn, received on Wednesday 2 June 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

AERIAL SHOOTING OF WILD PIGS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding the aerial shooting of wild pigs, received on Wednesday 2 June 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

SNOWY 2.0**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding transmission and connection lines for Snowy 2.0, received on Wednesday 2 June 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding transmission and connection lines for Snowy 2.0, received on Wednesday 2 June 2021 from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

BOX HILL AND GABLES PRIMARY SCHOOLS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding primary schools in Box Hill and Gables, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

COUNCILLOR ANTOINE DOUEIHI**Claim of Privilege**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table a return identifying documents received on Wednesday 2 June 2021 which are considered to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

MACQUARIE PARK EDUCATION PRECINCT**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding the Macquarie Park Education Precinct, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ANIMAL RESEARCH**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding animal research, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

NORTH WILTON**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table correspondence relating to an order for papers regarding North Wilton, received on Friday 14 May 2021 from the General Counsel of the Department of Premier and Cabinet, stating that the Department of Finance, Services and Innovation and UrbanGrowth NSW Development Corporation specified in the terms of the resolution have been abolished by the Administrative Arrangements Order.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding North Wilton, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

AIRLINE OPERATIONS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding airline operations in New South Wales, received on Wednesday 2 June 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 2 June 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

GREY NURSE SHARKS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding grey nurse sharks, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received this day that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

CORE INTEGRITY**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 5 May 2021, I table correspondence relating to an order for papers regarding Core Integrity, received on Thursday 3 June 2021 from the General Counsel of the Department of Premier and Cabinet, annexing correspondence from the Department of Customer Service which advised that the department anticipates providing the remainder of its documents this week, and that Service NSW is currently preparing an initial tranche of documents for production. The annexed correspondence also advised that, due to the large number of documents identified in its initial searches, Service NSW is unable to indicate when it will complete its production of documents.

BUYING IN NSW, BUILDING A FUTURE**PUBLIC LAND AND PROPERTY SALES****COVID-19 RECOVERY PLAN****Variation of Order**

The PRESIDENT: According to sessional order, I inform the House that the Clerk received correspondence, dated 19 May 2021, from the General Counsel of the Department of Premier and Cabinet requesting that the scope of the following orders for papers be varied:

- (1) Consultation paper entitled *Buying in NSW, Building a Future*, requesting that the due date be 7 July 2021.
- (2) Land or property sales, disposal, or divestment targets, requesting that the due date be 13 July 2021.
- (3) Jobs created by the COVID-19 Recovery Plan, requesting that the due date be 20 July 2021.

I table the correspondence. The members who moved the relevant motions and I were consulted and agreed to the following variations:

- (1) Consultation paper entitled *Buying in NSW, Building a Future*, that the due date be 8 June 2021.
- (2) Land or property sales, disposal, or divestment targets, that the due date be 23 June 2021.
- (3) Jobs created by the COVID-19 Recovery Plan, that the due date be 16 June 2021.

The question is that the varied terms of the orders for papers be agreed to.

Motion agreed to.**BUYING IN NSW, BUILDING A FUTURE****Correspondence**

The CLERK: I table correspondence relating to an order for papers regarding to the consultation paper entitled *Buying in NSW, Building a Future*, received on Monday 7 June 2021 from the General Counsel of the Department of Premier and Cabinet, advising that the documents would be provided by 11 June 2021, with the exception of documents covered by paragraph (c), which will be provided in early July 2021.

REVENUE NSW**Report of Independent Legal Arbitrator**

The PRESIDENT: According to standing order, I announce receipt of the second report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated Wednesday 26 May 2021, on the disputed claim of privilege on documents relating to Revenue NSW investigations, together with submissions from the Hon. Daniel Mookhey and Revenue NSW. In its submission provided by Revenue NSW on 18 May 2021, Revenue NSW waived its claim of privilege over 33 documents. The 33 documents over which privilege claims had been waived were made public forthwith. I advise that the report is available for inspection by members of the Legislative Council only.

WAGES POLICY TASKFORCE**Report of Independent Legal Arbitrator**

The PRESIDENT: According to standing order, I announce receipt of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated Friday 28 May 2021, on the disputed claim of privilege on documents relating to the Wages Policy Taskforce, together with submissions tendered to the Independent Legal Arbitrator from the Department of Premier and Cabinet, NSW Treasury and the Hon. Adam Searle. I advise that the report is available for inspection by members of the Legislative Council only.

NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY**Report of Independent Legal Arbitrator**

The PRESIDENT: According to standing order, I announce receipt of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated Wednesday 2 June 2021, on the disputed claim of privilege on documents relating to the Narrandera to Tocumwal Rail Line Reopening Feasibility Study, together with submissions tendered to the Independent Legal Arbitrator from Transport for NSW and the Hon. Mark Banasiak. I advise that the report is available for inspection by members of the Legislative Council only.

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Reference**

Mr DAVID SHOEBRIDGE: According to paragraph (9) of the resolution establishing the Public Accountability Committee, I inform the House that on Monday 24 May 2021 the committee resolved to adopt the following reference:

Regulation of building standards, building quality and building disputes – Further inquiry

- (1) That the Public Accountability Committee inquire into and report on:
 - (a) the efficacy and adequacy of the government's regulation of building standards and specifically,
 - (i) the cost, effectiveness and safety concerns arising from the use of flammable cladding,
 - (ii) private certification of and engineering reports for construction projects, and
 - (b) any other related matter.
- (2) That the committee report by 25 November 2021.

PUBLIC ACCOUNTABILITY COMMITTEE**Extension of Reporting Date**

Mr DAVID SHOEBRIDGE: According to paragraph (9) of the resolution establishing the Public Accountability Committee, I inform the House that on Monday 24 May 2021 the committee resolved to extend

the reporting date for its inquiry into the New South Wales Government's management of the COVID-19 pandemic to Thursday 30 September 2021.

Business of the House

WITHDRAWAL OF BUSINESS

Ms ABIGAIL BOYD: I withdraw business of the House notices of motions Nos 7 and 8 on the *Notice Paper* for today relating to the disallowance of the Retirement Villages Amendment (Exit Entitlement) Regulation 2021 and the disallowance of the Retirement Villages Amendment (Asset Management Plans) Regulation 2021.

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That business of the House notice of motion No. 1 be postponed until Tuesday 10 August 2021.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That business of the House notice of motion No. 2 be postponed until Tuesday 22 June 2021.

Motion agreed to.

Mr JUSTIN FIELD: I move:

That business of the House notice of motion No. 3 be postponed until Thursday 10 June 2021.

Motion agreed to.

Ms CATE FAEHRMANN: I move:

That business of the House notice of motion No. 4 be postponed until Tuesday 22 June 2021.

Motion agreed to.

The Hon. DANIEL MOOKHEY: I move:

That business of the House notices of motions Nos 5 and 6 be postponed until Tuesday 22 June 2021.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That Government business orders of the day Nos 1 to 6 be postponed until a later hour.

Motion agreed to.

Presiding Officers

TEMPORARY CHAIRS OF COMMITTEES

The PRESIDENT: According to standing order, I nominate Ms Abigail Boyd to act as a Temporary Chair of Committees during the remainder of the present session of Parliament.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Membership

The PRESIDENT: I inform the House that on 20 May 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Catherine Cusack in place of the Hon. Matthew Mason-Cox.

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Membership

The PRESIDENT: I inform the House that on 20 May 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Taylor Martin and the Hon. Peter Poulos in place of the Hon. Catherine Cusack and the Hon. Lou Amato.

PRIVILEGES COMMITTEE**Membership**

The PRESIDENT: I inform the House that on 20 May 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Shayne Mallard in place of the Hon. Matthew Mason-Cox.

PROCEDURE COMMITTEE**Membership**

The PRESIDENT: I inform the House that on 20 May 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Damien Tudehope in place of the Hon. Shayne Mallard.

SELECT COMMITTEE ON THE GOVERNMENT'S MANAGEMENT OF THE POWERHOUSE MUSEUM AND OTHER MUSEUMS AND CULTURAL PROJECTS IN NEW SOUTH WALES**Membership**

The PRESIDENT: I inform the House that on 20 May 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Peter Poulos in place of the Hon. Trevor Khan.

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**Membership**

The PRESIDENT: I inform the House that on 3 June 2021 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Peter Poulos in place of the Hon. Natalie Ward.

*Members***MINISTRY**

The Hon. DON HARWIN: I inform the House that on 14 May 2021 Her Excellency the Governor accepted the resignation of the Hon. Gareth James Ward, MP, as Minister for Families, Communities and Disability Services and as a member of the Executive Council.

I further inform the House that on the same day Her Excellency the Governor appointed the Hon. Mark Raymond Speakman, SC, MP, as Minister for Families, Communities and Disability Services and as a member of the Executive Council.

I further inform the House that on 27 May 2021 Her Excellency the Governor appointed the following persons as members of the Executive Council and to the offices indicated:

The Hon. Mark Speakman, SC, MP
Minister for Prevention of Domestic and Sexual Violence

The Hon. Natalie Ward, MLC
Minister for Sport, Multiculturalism, Seniors and Veterans

The Hon. Alistair Henskens, SC, MP
Minister for Families, Communities and Disability Services

PARLIAMENTARY SECRETARIES

The Hon. DON HARWIN: I inform the House that on 27 May 2021 the Hon. Natasha Maclaren-Jones, MLC, was appointed Parliamentary Secretary with the title Cabinet Secretary.

REPRESENTATION OF GOVERNMENT IN THE LEGISLATIVE COUNCIL

The Hon. DON HARWIN: I inform the House that in the representation of Government responsibilities in this Chamber I will act in respect of my own portfolios, and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Gladys Berejiklian, MP
Premier

The Hon. Andrew James Constance, MP
Minister for Transport and Roads

The Hon. Matthew John Kean, MP
Minister for Energy and Environment

The Hon. Shelley Elizabeth Hancock, MP
Minister for Local Government

The Hon. Sarah Mitchell, MLC, Minister for Education and Early Childhood Learning, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. (John) Giovanni Domenic Barilaro, MP
Deputy Premier and Minister for Regional New South Wales, Industry and Trade

The Hon. Paul Lawrence Toole, MP
Minister for Regional Transport and Roads

The Hon. Dr Geoffrey Lee, MP
Minister for Skills and Tertiary Education

The Hon. Damien Francis Tudehope, MLC, Minister for Finance and Small Business, will act in respect of his own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Dominic Francis Perrottet, MP
Treasurer

The Hon. Stuart Laurence Ayres, MP
Minister for Jobs, Investment, Tourism and Western Sydney

The Hon. Victor Michael Dominello, MP
Minister for Customer Service

The Hon. Kevin John Anderson, MP
Minister for Better Regulation and Innovation

The Hon. Bronnie Taylor, MLC, Minister for Mental Health, Regional Youth and Women, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Bradley Ronald Hazzard, MP
Minister for Health and Medical Research

The Hon. Robert Gordon Stokes, MP
Minister for Planning and Public Spaces

The Hon. Melinda Jane Pavey, MP
Minister for Water, Property and Housing

The Hon. Adam John Marshall, MP
Minister for Agriculture and Western New South Wales

The Hon. Natalie Ward, MLC, Minister for Sport, Multiculturalism, Seniors and Veterans, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Mark Speakman, SC, MP
Attorney General, and Minister for the Prevention of Domestic and Sexual Violence

The Hon. Anthony John Roberts, MP
Minister for Counter Terrorism and Corrections

The Hon. David Andrew Elliott, MP
Minister for Police and Emergency Services

The Hon. Alister Henskens, SC, MP
Minister for Communities and Disability Services

GOVERNMENT WHIP

The Hon. DON HARWIN: I inform the House that today the Hon. Shayne Mallard was elected Government Whip in the Legislative Council in place of the Hon. Natasha Maclaren-Jones.

LEADER OF THE OPPOSITION

The Hon. ADAM SEARLE (15:25): By leave: I thank the House for its indulgence. I inform the House that, in line with the election of new leadership in the Australian Labor Party and the desire of the leader and the caucus to regenerate the leadership of the party, today I resigned as leader of the Labor Party in the Legislative Council and hence as Leader of the Opposition in this place. Leadership of any party is a great honour and privilege, and it has been a great privilege for me to lead the oldest political party in this country in this House over the past six years and two months. It has been a great privilege to serve with a team of outstanding and

talented members. We have worked across party lines to reshape the rules of engagement in this House, the way in which budget estimates works, question time, the establishment of inquiries and the way in which privilege is dealt with—so many reforms to the first legislative chamber in Australia.

I extend my gratitude to all members for their professionalism in the way they have dealt with me as the Leader of the Opposition, including the Leader of the Government, the Leader of the House and members and representatives of all the parties represented in this Chamber, including the Animal Justice Party, The Greens, the Shooters, Fishers and Farmers Party, the Christian Democratic Party, One Nation, the Government parties, and of course the members of the Labor Party. Politics is full of ups and downs, twists and turns, but I count myself very fortunate to not only be a member of this place for the past 10 years but also—apart from a short period on the backbench—the Deputy Leader of the Opposition and the leader of the Labor Party in this place.

My colleagues and I have managed to do good things, holding the Government to account, amending legislation and, as I indicated earlier, changing the way in which this House works. That is an evolutionary process, which members of the Government will be happy to learn we are only just embarking upon. There is much more to come. I congratulate the new leadership in this place on their election. I will be giving my full support to the leadership of my party in all places so that in the next 21 months we are able to effect a change of government in this State for the benefit of all people in New South Wales. I thank my colleagues. I thank the House for allowing me to make this short statement.

LEADER AND DEPUTY LEADER OF THE OPPOSITION

The Hon. PENNY SHARPE: I acknowledge the work of the Hon. Adam Searle and I thank him for his lengthy period of work and for his work to come. I inform the House that on 14 May 2021 I resigned as deputy leader of the Labor Party and hence as Deputy Leader of the Opposition in the Legislative Council. I further inform the House that today I was elected leader of the Australian Labor Party and Leader of the Opposition in the Legislative Council and the Hon. John Graham was elected Deputy Leader of the Opposition in the Legislative Council.

Announcements

PARLIAMENT ON DEMAND AND LIVESTREAMING

The PRESIDENT (15:34): I am pleased to update honourable members on some new technology and accessibility initiatives. Firstly, as members know, it is vital for us to meet directly with our communities near and far and for all constituents to be able to access committee hearings. As of last month, we have started servicing regional hearings with specialised audiovisual teams and equipment. This allows us to stream hearings live back through to Parliament's website. Secondly, I update the House on the Parliament On Demand video clipping service. In its first month live, Parliament On Demand has been used to create over 825 clips, with a less than 0.5 per cent error rate. We can now advise access will be given to members of the parliamentary press gallery. Work continues on improving the service to make it easier to find the footage you are looking for. These enhancements are expected in the near future.

Bills

LAW ENFORCEMENT CONDUCT COMMISSION AMENDMENT (COMMISSIONERS) BILL 2021

Second Reading Debate

Debate resumed from 13 May 2021.

The Hon. ADAM SEARLE (15:37): I lead for the Opposition on the Law Enforcement Conduct Commission Amendment (Commissioners) Bill 2021. As the relevant Minister so eloquently outlined in his second reading speech, the Government has now completed its statutory review of the Law Enforcement Conduct Commission Act 2016, which was tabled on 11 May 2021. That report recommends that the Act be amended to remove the office of the Commissioner for Oversight from the commission. That role has been vacant since January 2020.

The Law Enforcement Conduct Commission Amendment (Commissioners) Bill will amend the Law Enforcement Conduct Commission Act, or LECC Act, consistent with that recommendation. Apart from that recommendation to amend the LECC Act to establish a two-commissioner model, the report concluded that the policy objectives of the Act remain valid. Neither the statutory review nor any of the stakeholder submissions received identified any other amendments to the Act required at this time. However, on that matter the Opposition respectfully has some concerns and I will return to that matter later.

By way of background, the LECC Act was passed in November 2016. The LECC was established on 1 July 2017 when the Act substantially commenced and has consisted of a chief commissioner, a commissioner for

integrity and a commissioner for oversight from its inception. The decision to implement a three-commissioner model reflected the recommendations of the report prepared in 2015 by Andrew Tink, AM—a former member of the other House and a former shadow Minister for Police and former shadow Attorney General. That report was the result of the Tink review on police oversight, which led to the establishment of the Law Enforcement Conduct Commission. I am pretty sure the parliamentary oversight committee inquiry into what was then the Police Integrity Commission had some role to play as well, and I was a member of that committee at the time.

The Tink report recommended that the Law Enforcement Conduct Commission be structured with separate integrity and oversight divisions. It recommended each division be headed by a deputy commissioner able to exercise powers and functions reflecting the division's distinct responsibilities. This structure was intended to support a smooth transition to the new oversight model. This was particularly important, given that the LECC combined the functions of the former Police Integrity Commission, the police division of the Ombudsman and the Inspector of the Crime Commission. The Tink report recommended that a chief commissioner and two deputy commissioners form a deliberative commissioner's council, with the Chief Commissioner having the final say on matters that could not be resolved by consensus.

There are slight differences in the statutory functions of the Commissioner for Oversight and the Commissioner for Integrity—only the Commissioner for Integrity or the Chief Commissioner is authorised to hold examinations pursuant to section 62 of the Act, meaning the Commissioner for Oversight cannot conduct an examination. The necessity for this distinction was questioned by the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission in its *2018 Review of the Annual Reports of oversighted bodies*. The parliamentary committee, of which I am a member, recommended that the Act be amended to give the Commissioner for Oversight the power to undertake private examinations. That was after the committee heard evidence from the then Chief Commissioner, the Hon. Michael Adams, QC, that the inability of the Commissioner for Oversight to undertake private examinations, despite professional qualifications to do so, was both inappropriate and inefficient.

The lack of substantial statutory prescription in the respective roles of the Commissioner for Integrity and the Commissioner for Oversight has meant that the current Chief Commissioner, the Hon. Reg Blanch, AM, QC, has been able to successfully manage the affairs of the commission in the absence of a Commissioner for Oversight since 15 January 2020. Members of the parliamentary oversight committee will be aware of the Chief Commissioner's evidence to the committee in February 2020 that the LECC is working well with only two commissioners. The parliamentary committee accepted this evidence and recommended in its *2020 Review of the Annual Reports of oversighted bodies* that the Premier and Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts clarify the position of the Commissioner for Oversight. The recommendations from the committee included that the Act be amended to delineate the roles of the Chief Commissioner and other commissioners.

The Government introduced the bill in recognition of the successful operation of the LECC with only two commissioners. The bill reflects feedback from the Chief Commissioner and the Inspector of the Law Enforcement Conduct Commission during the statutory review process that this is the most desirable structure for the commission moving forward. As indicated earlier, the bill will abolish the Commissioner for Oversight. Consequently, certain provisions of the Act will be required to be reconsidered in light of the structural change to the commission. Moving to a two-commissioner model requires a reconsideration of how decisions are made by the commission. Certain key decisions currently require collective decision-making. Those decisions are required to be authorised by the Chief Commissioner and one other commissioner. A new mode of decision-making will be required with the move to a two-commissioner model.

Section 19 (2) of the LECC Act currently specifies five key categories of decisions of the commission that must be authorised by the Chief Commissioner and at least one other commissioner. Those decisions are: Firstly, a decision to investigate conduct that is, or could be, serious misconduct, serious maladministration, police misconduct, Crime Commission officer misconduct, officer maladministration or agency maladministration; secondly, a decision to hold an examination into serious misconduct of serious maladministration; thirdly, a decision that an examination, or part thereof, should be held in public; fourthly, a decision that there are reasonable grounds to issue a search warrant; and, finally, a decision to delegate a function of the commission. The Government received feedback that a requirement for consultation was preferable, rather than for unanimous decision-making under section 19 (2) of the Act. That is, decisions under section 19 (2) of the Act should be made by the Chief Commissioner following consultation with the other commissioner. This is consistent with the Chief Commissioner's authority regarding matters relating to the commission and removes the possibility of a deadlock in those key decision-making areas, which would of course be an absurdity.

I now turn to the provisions of the bill. The bill removes the office of the Commissioner for Oversight from the composition of the LECC under section 18 and renames the Commissioner for Integrity as simply "the

Commissioner". The bill makes other minor consequential amendments to the Act and other Acts to reflect the two-commissioner model and changes the title of the Commissioner for Integrity. In the five categories of key decisions under section 19 (2) that are currently required to be made by the Chief Commissioner and one other commissioner mentioned earlier, the bill amends this requirement so the decisions can be made by the Chief Commissioner following consultation with the other commissioner. The bill preserves the appointment of the current Commissioner for Integrity, Lea Drake, as the commissioner for the balance of her term.

The bill retains the current requirements that the commissioner may only be appointed with the concurrence of the Chief Commissioner and that a person cannot be appointed as commissioner if they are a police officer or former police officer. The bill also contains a clarification provision to ensure that the commissioner continues investigations that had been underway prior to the removal of the office of Commissioner for Oversight and the renaming of the office of Commissioner for Integrity. These provisions are to avoid any question of the authority of the commissioner. The bill ensures that the LECC remains a fit-for-purpose organisation with a structure that best enables it to deliver on its statutory mandate in overseeing law enforcement in New South Wales.

Members of the House, and you, Mr Deputy President, will also be aware of a recent Legislative Council inquiry into First Nations deaths in custody and oversight and review of deaths in custody. You and I were both members of that, Mr Deputy President, along with other members of the House. It made a number of recommendations—39 in total, with 35 being unanimous. A number of those recommendations looked at the issue of whether deaths in prison were being properly oversights. It came to the conclusion that, apart from the coronial function, there was no readily identifiable proper scrutiny of deaths in prison and this was not acceptable or adequate, given the historic under-resourcing of the Coroners Court and, of course, of the evidence received by that inquiry that the Coroners Court itself was in need of a thorough review and reform to make it a fit-for-purpose twenty-first century body, particularly in relation to how it dealt with First Nations deaths and families of loved ones. One of the recommendations that was unanimously adopted was recommendation 35:

That the NSW Government expand the functions of the Law Enforcement Conduct Commission to undertake full investigations in relation to deaths in custody, with appropriate resourcing and support.

That was unanimous with all members of the committee and, indeed, it was consistent with the evidence given to that inquiry by Commissioner Lea Drake, which indicated that the LECC was open to receiving that additional function. That was not the first choice of the committee. The committee acknowledged that it would have been far preferable for improvements to be made to the coronial jurisdiction, but noted that was a longer-term reform proposal requiring necessary improvements to resourcing and other changes as well.

Looking at all the different bodies that played a role in oversights deaths, none of them in their current form were really fit for purpose in oversights deaths in custody; but perhaps the LECC was best placed to do it. That is why the committee made the recommendation. Tempting as it is, the Opposition will not be advancing amendments that deal with that in this debate. We will consult and develop legislation to address this in the near future because we want to give the Government a chance to respond properly to all the recommendations of the First Nations deaths in custody and oversight review of deaths in custody report. We hope that it does so with a positive eye. The Government should be under no illusion that we are keen to address this complete gap in the oversight of deaths in prison and that we are ready, willing and able to act should the Government not do so.

One area where we will be putting forward an amendment relates to the five-year limitation on appointments. That has been discussed in this place previously, although the House was not minded to make those reforms. We understand the public policy around the five-year limitation. There is a five-year limitation, for example, on the Chief Commissioner of ICAC. That is because ICAC often investigates allegations of serious and systemic corruption in the Executive arm and, of course, if the whole of that office was beholden to the Executive for a possible further appointment, that would be a potential corruption risk of its own. I note for similar reasons the Auditor-General is also subject to a non-renewable five-year term.

We accept the rationale in the legislation behind a five-year limitation, but the Law Enforcement Conduct Commission finds itself, for historical reasons, in a situation where the current Chief Commissioner, Reg Blanch, accepted a substantive appointment as Chief Commissioner but for a short time. I think that term will come to an end in January next year. It is my understanding that the appointment of Commissioner Drake will also come to an end in April. That would see the entire collective leadership of this organisation disappear in a matter of months, which I think would not be in the public interest and would not be consistent with the needs of the organisation. The Labor Party will put forward an amendment that addresses the term limit in a way that might give the Government an opportunity, should it choose in its discretion, to ensure some continuity in the leadership of that organisation. I will leave those comments there but obviously I will return to them when the bill is examined in detail in the Committee stage. Those are our comments on the bill.

Mr DAVID SHOEBRIDGE (15:50): On behalf of The Greens I speak in debate on the Law Enforcement Conduct Commission Amendment (Commissioners) Bill 2021. The bill has a number of objects:

- (a) to remove the office of the Commissioner for Oversight and to rename the office of the Commissioner for Integrity as the Commissioner,
- (b) consequentially, to require the Chief Commissioner to authorise certain decisions of the Commission after consulting with the Commissioner,
- (c) to appoint the person holding office as the Commissioner for Integrity to the office of the Commissioner for the balance of the person's term,
- (d) to make other consequential amendments.

The Greens supported the establishment of the Law Enforcement Conduct Commission and those changes came about following a longstanding parliamentary inquiry—a three-year inquiry—into illegal police wire-tapping. I remember ordering a birthday cake for the inquiry when it got to that lofty age—a lovely blue and white chequered affair. That inquiry was important for a number of reasons. First, it showed how the then police oversight system was full of fractures and fissures, and was unworkable. We had the Ombudsman doing some work and, ultimately, the way in which the Ombudsman undertook that work was highly contestable. The Ombudsman was given a one-off additional set of powers to deal with the police bugging inquiry. That came with almost no natural justice protections and very few transparency provisions and I think we could collectively agree that it ended up being a failure. The inquiry involved a huge amount of time and a huge amount of public money. One would have to wonder whether that inquiry ever came close to targeting the real problem. I would suggest that it did not. I do not need to unpack that but I would say that it was an inquiry with the wrong target, the wrong tools and the wrong mechanisms, and it failed as inevitably it would.

We also had the Police Integrity Commission, which got attacked from pretty much every quarter. Civil libertarians and those concerned about police oversight thought that it was not functioning. It seemed to have a very idiosyncratic method for targeting police operations. The police, I think quite rightly, thought that again there was a lack of natural justice. Even when complaints about the Police Integrity Commission were upheld by the then oversight commissioner, who was a tempestuous character—even when complaints were upheld by the person tasked with oversighting the Police Integrity Commission—the commission refused to publish the findings or the conclusions. Decisions of the Police Integrity Commission were challenged—conclusions that often were damning of the procedural fairness of those decisions—and they remained on the website without any kind of critique and, even if the critique was not accepted, there was no acknowledgment that the critique had happened.

So the Ombudsman's paper-based complaints were not working, the souped-up Ombudsman's inquiry was not working and the Police Integrity Commission was not working—not one part of it worked. The ultimate decision was supported by a recommendation of the longstanding upper House inquiry into the matter, chaired by the Hon. Robert Borsak and I think I was deputy chair. From memory, the Hon. Trevor Khan came along for the ride in a backseat driver capacity. We eventually got the recommendation to have a single police oversight body and that is what produced the Law Enforcement Conduct Commission. I think all of us would agree that a single point of oversight is a substantial improvement. However, the model that was proposed was a three-commissioner model whereby decisions to hold an inquiry needed a majority support of the three commissioners. Again it would be fair to say that once it was established it had some initial teething problems.

One would not have called it a smooth triumvirate inside the Law Enforcement Conduct Commission as the three commissioners all had different tensions and different approaches to the work. I think all three of them were people of integrity and all three of them came to it with a sense of doing their public duty as they saw fit. But a historical perspective of it would suggest that they were three people who had quite different approaches to the task. Having those different approaches to the task created a lot of tension inside the organisation which was ultimately resolved by the Government removing one of the commissioners, after some input from the inspector. That was perhaps done a little intemperately and, one might even suggest, unlawfully under a certain Act—not the Law Enforcement Conduct Commission Act. When that was challenged, the Government then brought in legislation to retrospectively provide for the removal from office and to retrospectively authorise that removal. The Greens formed the view at the time that it was appropriate to support that so there was no legal uncertainty about either the make-up or the decisions of the Law Enforcement Conduct Commission. We thought that was important.

The current bill proposes to make the two-commissioner model a permanent model and, instead of having any kind of collective decision-making amongst the three commissioners, it proposes to have the Chief Commissioner effectively have the power. Instead of requiring agreement between the commissioners before an inquiry is established it proposes simply to give the power to the Chief Commissioner after consultation with the other remaining commissioner. It also proposes to abolish one of the commissioner's positions. That is a change that has not had a substantial degree of public consultation and it is not supported by a statute law review. It may

be the solution. If there is a publicly available set of reports to show how this structure fits with all the other integrity agencies I have not seen it, but it may be the solution.

The Greens will not be opposing the bill but our position is one of cautious observation of it because this is a highly contested space and there are times when the activities of the Law Enforcement Conduct Commission bring it into direct conflict with the NSW Police Force, perhaps even more importantly with the NSW Police Association and, on a third level of importance, with the New South Wales Government and political power in this State. For the Law Enforcement Conduct Commission to be in a position to fully exercise those powers, some kind of collective decision-making may be important for it when it kicks off an inquiry and when it uses its royal commission powers.

We have some anxiety about the powers being centralised in just one person without that collective support. However, we acknowledge that the Government was responding to an organisational problem and that is what has brought this bill here: the prior structure had found itself at different times to be unworkable and this is one potential solution to the problem. I note that there are a number of matters that we will be seeking to address in the Committee stage. They include seeking to implement some key recommendations from the inquiry into deaths in custody. I would expect that will be a detailed discussion and I look forward to that discussion in the Committee stage.

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

Questions Without Notice

COVID-19 VACCINE

The Hon. PENNY SHARPE (16:00): My question without notice is directed to the new Minister for Sport, Multiculturalism, Seniors and Veterans, and I welcome and congratulate the Minister on her appointment. What is her Government doing to ensure the vulnerable in New South Wales, particularly the State's seniors and especially those who live in rural and regional areas, gain access to the COVID vaccine?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:00): I thank the new Leader of the Opposition for her question and her kind comments. It is great to see so many women in leadership roles in this place. I briefly acknowledge the great privilege I have to serve in this role and those other portfolios, and I commend those Ministers before me who have done great work in this space. I welcome the question. It is important to recognise that our most vulnerable in New South Wales, and our seniors in particular, should get the greatest care that we can afford them. As New South Wales seniors Minister—I am still getting used to saying that—I am absolutely committed to seniors in this State. I have an elderly mother-in-law and a mum who I will say is senior-ish, and I very much understand the challenges that they face.

I encourage everybody in our community over the age of 50 to get the AstraZeneca vaccine, either by consulting with their GP or in one of our many vaccination hubs. I have done the same with Pfizer out at the hub. It was quick and easy, and it did not hurt at all. I assure the House that this Government is committed to working with the Commonwealth Government. The rollout of the vaccination is a Commonwealth issue. We are doing everything we can in this State to ensure that that rollout happens as quickly as possible. We need to get those vaccines. We are absolutely committed to working with the Commonwealth Government in regard to our aged-care centres.

The Hon. PENNY SHARPE (16:02): I ask a supplementary question. Will the Minister elucidate her answer and inform the House how many aged-care workers and residents in New South Wales have been vaccinated as at Monday 7 June?

The Hon. Sarah Mitchell: Point of order: That is actually a new question.

The Hon. Penny Sharpe: To the point of order: This is a supplementary question that arises out of the Minister's answer. The Minister canvassed the issues in relation to people needing to get the vaccine and where they can access that. I believe that it is a supplementary question seeking elucidation in relation to the numbers of those who have been able to achieve that.

The PRESIDENT: I will allow the question on that basis. There is no point of order. The Minister has the call.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:03): I welcome the supplementary question from the Leader of the Opposition. I note that, as much as possible, I have got across my brief very quickly. The actual number as at 7 June, which is important to me and I would like to know it as well, is not to hand. However, I will endeavour to get that number as quickly as I can, noting that—

Mr David Shoebridge: We want 8 June.

The Hon. NATALIE WARD: —this is an issue that I think the health—

Mr David Shoebridge: We want 8 June.

The PRESIDENT: Order!

The Hon. NATALIE WARD: You might well ask that question separately, Mr Shoebridge. The important matter is that our health services are working with the Commonwealth to get those vaccines rolled out and the Commonwealth Government is entirely responsible for the number of vaccines that we get here. However, I will endeavour to get something to the member.

The Hon. WALT SECORD (16:04): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she referred to the New South Wales Government working with the Federal Government? What programs and steps is she working on with it to target seniors to get the COVID vaccinations?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:04): I welcome the second supplementary question from the Hon. Walt Secord. I think it is not unknown that I am a strong advocate when given a job to do, and I will be a strong advocate in that space.

HERITAGE GRANTS PROGRAM

The Hon. CATHERINE CUSACK (16:04): My question is addressed to the Minister responsible for heritage. Will the Minister update the House on the outcomes of the 2021-23 NSW Heritage Grants Program?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:05): I am very happy to do so. I thank the Hon. Catherine Cusack for her question. The New South Wales Government has announced \$5.5 million to over 220 projects for the 2021-23 NSW Heritage Grants funding round. These projects will see long-term heritage outcomes that will assist with protecting, managing and celebrating the rich and diverse heritage of New South Wales. Leveraging contributions from recipients, the grants are set to deliver over \$13.4 million in investment.

I am particularly pleased that \$50,000 was awarded to fund Kinchela Boys Home Aboriginal Corporation to create a 3D computer-aided design model of the heritage-listed Aboriginal place near Kempsey. Incorporating transformations of the site over the course of its existence, the model will be used to create a virtual tour of the former boys home that will include oral and visual histories to reflect on the harsh history and also allow for healing for the Stolen Generation survivors. In heritage-listed Broken Hill the Government is providing \$40,000 for an interpretation project for the 132-year-old Palace Hotel, which is best known for its role in the film *The Adventures of Priscilla, Queen of the Desert*. Of course, the Palace Hotel has a very rich history beyond its film heritage. The project will capture its story, including detail about Indigenous artist Gordon Wayne who painted landscape murals on the hotel's interior walls.

The Hon. Walt Secord: I have seen them.

The Hon. DON HARWIN: They are well worth a look if one goes to Broken Hill, and I am pleased to hear that honourable members have seen them. In Tanilba Bay the 190-year-old Tanilba House, its gardens and landscape will benefit from \$15,500 in funding to develop conservation management documents, which will assist in the protection and management of the site in the Port Stephens local government area. The heritage grants also contribute to conservation works, with the Lakeview Homestead Complex south of Moruya set to benefit from \$150,000 for reconstruction, replacement and repairs to the unique main house, dairy and woolshed. With areas of our State still recovering from fires, floods and drought, over \$4.6 million is going to more than 180 projects in declared natural disaster areas, which is a very good thing. The projects will deliver fantastic conservation outcomes for the community. [*Time expired.*]

COVID-19 VACCINE

The Hon. JOHN GRAHAM (16:08): My question without notice is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans, and I also congratulate her on her appointment. Given the Minister's previous answer to the question from the Leader of the Opposition, what is her response to community calls for New South Wales to follow Queensland, which has given 56 rural community pharmacies permission to provide COVID vaccines to reach seniors in remote areas?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:08): I welcome the opportunity to be an advocate for seniors given to me by this role, together with my roles in Multiculturalism, Sport and Veterans. It is important that we work together with the Commonwealth and we ensure that our seniors have access as far as possible, given what the Commonwealth gives to us. However, that is an issue for Health, and it is an issue for them to roll out in consultation and cooperation with the Commonwealth

Government. I am pleased that we are working well together. However, I note the Premier has made it very clear that we want to do more. I commend her comments. The question was in relation to regional areas.

The Hon. John Graham: Pharmacies.

The Hon. NATALIE WARD: Yes. We have a number of AstraZeneca clinics in the regions. I can list each of them but that may take more than three minutes. We are opening a number of those across the regions. It is important.

The Hon. Walt Secord: What about Pfizer?

The Hon. NATALIE WARD: We have the hub for Pfizer. It is important that we work together with them and do that in a measured way as far as we possibly can. We have made that very clear.

RURAL AND REMOTE SCHOOL STAFFING

Mr DAVID SHOEBRIDGE (16:10): My question is directed to the Minister for Education and Early Childhood Learning. Minister, noting the need to improve staffing at rural and remote schools, why is it that the teachers at Peak Hill Central School, where over 75 per cent of students are Aboriginal and over 90 per cent are from the bottom quartile of the socio-economic status, do not receive the substantial additional benefits used to attract teachers in similar remote schools such as Trundle Central School, Tullamore Central School and Trangie Central School?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:10): I thank Mr David Shoebridge for his question specifically relating to some of the incentives available to teachers at Peak Hill, and also for listing a number of other schools in central western New South Wales and the teacher incentives that are available. As I hope the member would be aware, we are currently looking at the incentives policy. Since 1904 we have had some form of rural incentive in place in New South Wales. We have a paper on that out for consultation. I believe it may have come out in a Standing Order 52 call for papers. I was looking at the Hon. Courtney Houssos because she asked for it—as she does in many of the Standing Order 52 calls for papers.

That is currently under consultation with our key stakeholder groups. I have been discussing that matter with teachers and principals in certain parts of the State. I have also canvassed this before quite extensively in question time. We need to look at our incentives and what is working to attract and retain teachers. We also need to look at those areas around supply and how we can provide better support to those schools and students. That is currently underway. I am happy to update the member about that review at the appropriate time.

Mr DAVID SHOEBRIDGE (16:11): I ask a supplementary question. Noting that the Minister has commenced consultation on changing the system, will she advise where a clear statement of the current statewide resourcing policy for remote and rural schoolteachers can be found? Where do we find the current policy?

The Hon. Trevor Khan: Point of order: I listened to the answer given by the Minister. Mr David Shoebridge is asking a fresh question and it should be ruled out of order.

Mr David Shoebridge: To the point of order: In answering the question about what appears to be a discrepancy between Peak Hill and neighbouring schools, the Minister's response made it clear that the Government is consulting on a change to the current policy, it has a consultation paper out and the proposal to change the current policy was referenced. Therefore it is entirely in order for a supplementary question to ask where the current policy can be found. That is what my supplementary question was.

The PRESIDENT: I allow the question on that basis. The Minister has the call.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:13): There is information available on the website teach.nsw.edu.au. I am also happy to meet with the member separately and talk through these matters with him.

The Hon. COURTNEY HOUSSOS (16:13): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she spoke about the current review that is underway? What is the time frame for when that will be delivered and who is being consulted in that process?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:14): I thank the Hon. Courtney Houssos for her question. As I said, the consultation process for that review has started with our stakeholders. I believe some information has also been sent out to individual principals in relation to that paper. I anticipate that review should be finalised within the next couple of months. Obviously there is a sense of urgency to make sure that we do have the right incentives in place and that we do everything we can to encourage teachers not only to come to regional New South Wales but also to stay.

Mr David Shoebridge: Who are the stakeholders?

The Hon. SARAH MITCHELL: Some of the stakeholders that we are consulting with include the Teachers Federation, the Primary Principals' Association, the Secondary Principals' Council and the Federation of Parents and Citizens Associations. My recollection is that an email has also gone out to the principals for them to provide feedback. This is something that we are working on because we want to get it right. It is important and we need to make sure that we consult thoroughly.

WEE WAA HIGH SCHOOL

The Hon. SAM FARRAWAY (16:15): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister provide the House with an update on her recent visit to Wee Waa?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:15): I thank the Hon. Sam Farroway not only for his question but also for his continued advocacy on behalf of the Wee Waa community. It is very well received by people in Wee Waa, and indeed those in western New South Wales in the many areas that he works. He is pretty popular in the Upper Hunter as well. Last week it was a pleasure to join Narrabri Shire Council Mayor Ron Campbell, along with the Hon. Sam Farroway and members of the Wee Waa High School community, to announce that we have been able to secure funding to build a brand new high school on a new site in Wee Waa.

As has been well canvassed in the House, the Wee Waa High School has been closed with suspected mould contamination. As members are aware, some students and staff at the school presented with allergic-like reactions, including headaches, respiratory symptoms and rashes that were initially thought to be caused by exposure to mould. Investigations into the source, including comprehensive testing, are ongoing and have been expanded to include other potential sources. The nature of this contamination has required the high school site to be closed and students have been learning from temporary, pop-up facilities on the Wee Waa Public School site. The past 12 months have at times been challenging for the Wee Waa High School community as we have tried to establish the cause of these reactions. I acknowledge the leadership of principal Annabel Doust and her deputy, Jacki Neil. The school community has shown incredible resilience. I place on the record my thanks to both Annabel and Jacki for what they have done.

I also acknowledge the impact this has had on Wee Waa Public School and thank that school community as well for its support. Despite the challenges, there is cause for excitement with the decision to build a new high school in Wee Waa and the incredible opportunity that will bring. The new build offers the chance to design specialist teaching spaces, including all the latest in technology, and also provide an opportunity to deliver enhanced facilities for the broader community. Initial consultation on the new facilities has taken place with key stakeholders, including the school P&C, the Aboriginal Education Consultative Group and Narrabri Shire Council. The feedback has been positive. This is an important start for this school as it begins its journey to build a new school. The Hon. Sam Farroway will agree with me; it was a good day. The school community is excited that it will get the chance to build its new school. The staff were relieved that there is a way forward for them and their students. There is a strong desire to have an agricultural and environmental centre at the school, an Aboriginal learning centre and new sports courts. We are looking forward to working with the Wee Waa community to deliver the facilities.

I acknowledge also comments that have been made about the department's current preferred site. We have assurances and confidence that we can use modern engineering and construction methods to alleviate any potential issues regarding flooding, noting that the town of Wee Waa floods. The mayor told me that he is firmly of the belief that the site will have the best drainage of any site in Wee Waa because of the way that we will build the school. The technical experts are helping us to ensure that is the case. It is very exciting for the Wee Waa community.

AQUATIC ANIMAL CONTAMINATION

The Hon. MARK BANASIAK (16:18): My question is directed to the Hon. Bronnie Taylor, representing the agriculture Minister. Is the Minister aware that following a routine aerial spray of bitou bush by the NSW National Parks and Wildlife Service along the Manning Great Lakes coastline with the herbicide metsulfuron methyl 600, which is hazardous to aquatic animals, a large number of aquatic species, including beachworms, pipis and a seal, have been found dying or dead along Yagon Beach? Which department conducted the testing and which department closed Yagon Beach from midnight on 3 June but failed to communicate this to the commercial fishermen who continued to harvest and sell their catch that may well have been contaminated, including 290 kilograms of pipis, to the Sydney Fish Market? What investigations has her office done so far to ascertain what and when the commercial fishermen were notified about the contamination of the aquatic life by NSW National Parks and Wildlife Service?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:19):

I thank the honourable member for his question, which was quite detailed, about a type of alleged pesticide that might allegedly have been sprayed or distributed somewhere. I am not the agriculture Minister, but I represent the Minister, the Hon. Adam Marshall, in this place. As the question is quite detailed and lengthy, I will take it on notice and attempt to get the honourable member an informed answer as soon as possible.

MICHAEL PHOTIOS

The Hon. MARK BUTTIGIEG (16:20): My question without notice is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Given that lobbyist Michael Photios attended the Minister's celebratory drinks welcoming her to the ministry and that he gave a speech in the Minister's honour, what steps has the Minister taken to ensure that Mr Photios and his company do not have inappropriate access to and influence in the Minister's portfolios?

The Hon. Walt Secord: What was he doing there? Shame on you. Should spray him with Roundup.

The Hon. Bronnie Taylor: Point of order: The Minister has been asked a question and had started to rise to answer it. The constant interjections from the Hon. Walt Secord are quite derogatory towards someone else. I ask that he be called to order and that the Minister be allowed to answer the question that she has been asked.

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

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:21): I apply the strictest and highest ethical and governance standards in all of my conduct, and I strictly comply with all laws, guidelines and relevant codes in my role in Government.

YOUTH MENTAL HEALTH AND SUICIDE

The Hon. SAM FARRAWAY (16:21): My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the New South Wales Government doing to support parents and carers to talk about mental health issues and suicide?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:22): I thank the honourable member for his question. Good mental health literacy in young people and their families and carers can lead to better outcomes for those with mental health issues, either by facilitating early help-seeking by young people themselves or by helping adults to identify early signs and seek help on their behalf. We regularly hear feedback from parents and carers that they are concerned about their children's mental health, yet they do not always know how to talk to them about it or where to turn for the right professional support or to facilitate that conversation. Those of us in this Chamber who are parents would understand and relate to that. A death by suicide is difficult and confusing for families, friends, workplaces and communities. Any death by suicide is an absolute tragedy. Reaching the community is critical to ensure timely access to services and support during this time, and it is why the New South Wales Government has invested \$1.2 million to headspace to deliver mental health and youth suicide prevention sessions for parents and carers.

Headspace will coordinate and co-host online and in-person sessions providing free mental health education in local communities on how to talk to young people about suicide and feelings and, most importantly, how to access services. These sessions are happening right now across the State. Last night there was a session in Albury, tonight there is one in Nowra and on Thursday there is one in Strathfield. Forty-eight sessions have been held with more than 1,000 registrations. Another 45 sessions are scheduled for term 3 and new ones are constantly being uploaded. The sessions will strengthen communities' understanding of mental health and the warning signs for suicide and self-harm. The sessions will strengthen understanding and skills in how to cope and, most importantly, where to find help. They will provide practical advice for parents and carers about how to talk to their kids about these very difficult and challenging issues.

Feedback on these sessions has been overwhelmingly positive. Recently, in Inverell and Bundarra, more than 40 people joined the sessions. A principal has shared that a parent who they were really hoping to see come along to the event due to significant mental health difficulties that the family is experiencing showed up and was very appreciative of the information. The parents said that the workshop helped them learn how to approach the conversation and understand how to talk to their children when they do not seem quite like themselves. These sessions are in addition to a range of suicide prevention initiatives that increase the capacity of both specialist mental health services and the wider community to be able to respond flexibly to individual needs. I urge all parents, carers and communities across the State to go to the headspace website and sign up for a free session. I cannot stress this enough. We have had positive feedback, and I congratulate headspace. I would urge all members to reach out to their communities and get parents and carers to sign up for these sessions.

AQUATIC ANIMAL CONTAMINATION

The Hon. MARK BANASIAK (16:25): My question without notice is directed to the Hon. Bronnie Taylor, representing the agriculture Minister. Will the Minister provide compensation to the Manning-Great Lakes commercial fishermen who have been told to dump their products, including pipis, in an attempt to ensure public confidence in pipi consumption following the aerial spraying of bitou bush along the coastline?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:25): I thank the honourable member for his question. As previously stated, I represent in this Chamber the Hon. Adam Marshall, who resides in the other place. The member has again asked me a question that contains great detail about fishing and pipis. I will endeavour to gain the appropriate and detailed answer that the question deserves in an appropriate time frame.

RACISM

The Hon. WALT SECORD (16:26): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that an education department employee posted vile anti-Semitic and pro-Hitler comments on a Facebook page and the Government has refused to provide an explanation to the community—as reported by Gareth Narunsky in the 4 June edition of *The Australian Jewish News*—what action has the Minister taken in relation to this terrible incident?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:26): I thank the Hon. Walt Secord for his question. I say unequivocally on behalf of the Government, the department and, I think, everyone in this House that we reject racism in all its forms. The Department of Education believes in a positive and inclusive workplace that is safe and empowering for all of its people. Diversity and inclusion are critical to the success and wellbeing of staff and students across the New South Wales public education sector. The department's professional and ethical standards investigations are confidential, and we cannot comment on the particulars of any case. However, our code of conduct outlines the expected behaviour of staff. Any discrimination is unacceptable and, if proved, will be subject to the guidelines for the management of conduct and performance. That is all I am able to say at this point.

The Hon. WALT SECORD (16:27): I ask a supplementary question. Will the Minister elucidate her answer? She said that she rejects racism in all forms. What is the current status of that employee? Is that employee still working in the Minister's department?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:27): As I said, the department's professional and ethical standards investigations are confidential. I cannot comment on the particulars of any case. As I said at the end of my contribution—the member may not have heard me—that is all I am able to say at this time.

The Hon. COURTNEY HOUSSOS (16:28): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she spoke about the matter being under investigation? Are any other Department of Education employees currently under investigation for racist posts on social media?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:28): I will repeat for the third time that the department's professional and ethical standards investigations are confidential.

DINE & DISCOVER NSW

The Hon. WES FANG (16:28): My question is addressed to the Minister for Finance and Small Business. How has the New South Wales Government helped to support small businesses and stimulate our economy through the Dine & Discover vouchers?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:29): I thank the member for his question and for the opportunity to talk about one of the great programs that the Government has wheeled out to support small business. I encourage every member in this place to make sure that they use those vouchers by 30 June, which as everyone knows is when the scheme ends. The long weekend is coming up, so get out there and use those \$25 vouchers, whether it is to go out and have a feed—

The Hon. Walt Secord: I used it to support local business.

The Hon. DAMIEN TUDEHOPE: How many has the Hon. Walt Secord used?

The Hon. Walt Secord: One.

The Hon. DAMIEN TUDEHOPE: Clearly that is not good enough. The member has three more to use. The long weekend is a big opportunity for him to use those vouchers with those dear and near to him. He can use

the opportunity to rekindle the flame of love that he told us about last year. The \$500 million program is getting families out and about and spending money, and we all want to work towards that. It is worth outlining some important figures for the Chamber: 13,843 businesses have registered for the stimulus scheme and 4.25 million people have registered for the vouchers. Some 4.25 million of the six million adult population in this State have registered for those vouchers with Service NSW, including 248 people over the age of 100. Seventeen million vouchers have been issued, valued at \$425 million.

Around 87 per cent of customers have downloaded the digital vouchers easily through the Service NSW app, while around 13 per cent have been assisted to obtain their vouchers at a Service NSW contact centre. Over five million vouchers have been redeemed at food and beverage services—they seem to be the easiest vouchers to redeem—and 1.26 million vouchers have been used at cinemas. A further 413,000 vouchers have been used for sport and recreation activities, such as at local bowling alleys, and 378,000 vouchers have been used with heritage activities, including zoos and museums. Last week I was out at Kogarah—and it is interesting that these things seem to follow me around. Something happened when I was at Strathfield and then last week I was out at Kogarah talking to businesses about Dine & Discover. [*Time expired.*]

ANIMAL CRUELTY LAWS

The Hon. EMMA HURST (16:32): I direct my question to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. If a dog was subjected to a surgical mutilation without pain relief, the perpetrator could be charged with animal cruelty with a penalty of up to \$5,500 or six months' imprisonment. Why do those same cruelty laws not apply to animals like sheep or cows, given that those animals experience the same pain and suffering as dogs?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:33): I thank the honourable member for her question about animals that are subjected to surgical mutilation. All livestock, like every other animal in New South Wales, is protected under the Prevention of Cruelty to Animals Act 1979 [POCTAA] and its supporting regulation, codes, standards and guidelines. Section 24 of POCTAA specifies certain husbandry procedures, which the member referred to, that can be carried out in a manner that inflicts no unnecessary pain upon an animal. Those procedures, such as the mules operation on a sheep of less than 12 months of age, are specified in section 24 for very important reasons. The mules operation, for example, is undertaken only with the aim of reducing the longer-term suffering and death of sheep. Mulesing, which directly assists in the prevention of flystrike, which can be difficult to detect, inflicts severe distress on the animal and usually proves fatal.

In addition to the regulatory framework in New South Wales, the Australian Animal Welfare Standards and Guidelines set out clear requirements for people who are responsible for livestock in order to improve animal welfare outcomes in a way that is harmonised, streamlined and practical to implement. The New South Wales Government supports a national approach to the development and implementation of standards and guidelines, as it is critical not only to ensure appropriate welfare outcomes for all livestock, irrespective of their location, but also to ensure the viability of the industry in New South Wales. However, introducing into New South Wales animal welfare requirements that are above the nationally agreed standards and guidelines would place farmers in this State at a severe competitive disadvantage. For example, mulesing is legal in all jurisdictions. The sheep standards and guidelines state that, where mulesing is performed, it is best practice for lambs to be mulesed between two and 12 weeks old, accompanied by pain relief where practical methods are available.

The standards and guidelines for sheep and cattle also address other procedures such as castration, tail docking, disbudding and dehorning, as well as identification methods such as branding, earmarking, tagging and tattooing. They also include standards around the administration of pain relief. The agricultural industry is making considerable investments to help producers reduce their reliance on those procedures as other options become available. If the Chamber would indulge me for a moment, while we are talking about animal welfare, I note that my beautiful labrador Maisy is under a general anaesthetic at the vet today. My husband and I are away from home. I hope all members would join me in wishing Maisy well.

NRL STATE OF ORIGIN

The Hon. MICK VEITCH (16:35): I direct my question to the Minister for Sport, Multiculturalism, Seniors and Veterans. What is the Minister's response to community concerns that the Government did not do enough to secure game one of the State of Origin for New South Wales, that it handed Queensland a huge home-ground advantage and that it denied New South Wales another major event?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:36): I thank the honourable member for his very good question. Members in this place would know that I am passionate about sport, so it is no surprise that I am passionate about this topic. Sport plays a vital role in our communities.

I note that my advocacy precedes my position as Minister for Sport, Multiculturalism, Seniors and Veterans. Unfortunately I was unable to influence that decision prior to my new role, but I am a strong advocate for sport and I will continue to advocate in this place to ensure that world-class matches are held in Sydney, the only global city in Australia.

MULTICULTURALISM

The Hon. LOU AMATO (16:37): I address my question to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister update the House on the importance of multiculturalism in New South Wales?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:37): I thank the honourable member for his question. I am delighted and privileged to have the role of multiculturalism Minister. I stand on the shoulders of Ministers before me, but given the time constraints I will not go into that. It is an honour to have been appointed to represent one of the greatest assets in the State of New South Wales, and that is our diversity—both in this Chamber and in this State. This State is a beacon for the country and for the world. We come from over 307 ancestries, we speak 215 languages and dialects, and we practise 148 different religious beliefs.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the second time.

The Hon. NATALIE WARD: This is a very serious matter. I put on record unequivocally my commitment that as the multiculturalism Minister I am here to support all communities in New South Wales. My priority is to ensure that this great State remains peaceful, socially cohesive and harmonious. I look forward to fostering robust, collaborative and strong relationships across all communities in New South Wales. As Minister, I have prioritised, in my first week, meetings with numerous community leaders who have been impacted by the recent conflict in the Middle East. I am sure that I speak for every member of this House when I say that we in New South Wales extend our deepest sympathies to communities who are impacted by overseas conflicts.

New South Wales is a place of acceptance, tolerance and opportunity. At all times, and particularly times of difficulty, we must come together to support those shared ideals. Being a multicultural society means we are connected to the world but no matter what happens overseas we must remain united by our common commitment to peaceful and harmonious living in New South Wales. I thank those community leaders for the important work they do in fostering and maintaining social cohesion in New South Wales. Cohesive societies are also more resilient societies in the face of adversity and crisis.

This resilience has most certainly been tested recently. We have endured an unrelenting drought, a devastating bushfire season, floods and a one-in-100-year pandemic that profoundly affected the way we live and come together as a community. In the face of adversity the strength of our community spirit was displayed time and again as people came together across cultural and religious differences to help each other in times of need. Grassroots groups across the multicultural spectrum stepped up to support bushfire-affected regions and stepped up once again to deliver emergency relief to vulnerable cohorts during the pandemic. We have all been touched by the pandemic and we know some communities have had to navigate unique challenges. Their difficulties have included families separated due to worldwide border closures, vulnerable temporary visa holders and international students facing uncertainty. I look forward to continuing this work as the Minister. [*Time expired.*]

EDUCATION AND GENDER FLUIDITY

The Hon. MARK LATHAM (16:40): My question is directed to the Minister for Education and Early Childhood Learning. Why has the student support officer at the Denison College of Secondary Education in Bathurst sent out gender fluidity guides to 150 high school teachers, including Safe Schools material written by Roz Ward? Given that Safe Schools is supposed to be banned in New South Wales, why does one of the lessons tell students to imagine that aliens have landed on Earth without penises or vaginas and then teachers should "extend the discussion by asking students what it would mean in terms of their gender if they, too, were to lose that part of themselves"? How can this be regarded as education? Given that the Denison College is run by Craig Petersen, the President of the New South Wales Secondary Principals' Council, does this not show yet again that senior people in the education system are treating the Minister and her policies with contempt?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:41): I thank the Hon. Mark Latham for his questions relating to advice that he has about what has allegedly occurred at the Denison school. I will have to seek advice on that particular matter. It is not one that has come across my desk. I can say and repeat that obviously Safe Schools is not a part of the New South Wales curriculum but I will need to get some advice on the specifics of the issue that the member has raised.

ILLAWARRA SUICIDE RATES

The Hon. TARA MORIARTY (16:42): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women. Given reports suggesting that there is a suicide cluster in the Illawarra, what action is the Government taking to support this community?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:42): I thank the Hon. Tara Moriarty for her question. The honourable member is correct; the Illawarra region has been under a lot of pressure lately with recent suicides. We know that any suicide is an absolute tragedy and it is a difficult thing to talk about, but we have to talk about it and we have to talk about it in the right way. In regard to what is going on specifically to deal with what has recently happened in the Illawarra, we have a collaborative in the Illawarra that has been working together. What I mean by that is that we have all of the organisations that deal with mental health issues coming together to sit down, organise and share information to ensure that we are on the right track and that we are absolutely focused on what we need to do.

We know also that when this happens it also creates a higher risk of further things happening again. So it is important when we talk about this that we also talk about all of the services that are available and that are there to help. We know that there are a number of government and non-government organisations that are ready, willing and available. In the Illawarra we have had a close collaborative effort with headspace and Lifeline to make sure that we have a plan and that we have conversations within the schools and the communities to ensure that we have services available. I am positive that the Hon. Tara Moriarty knows, because she is the shadow Minister for Mental Health, that over 50 per cent of people—sometimes when we are looking at males this can be as much as 70 per cent—who attempt to take their own life have never ever contacted a health service. That means that we have to find different ways to be able to target people and make sure that we are getting to them.

One of the things we have to be really responsible about in our conversations is saying to people to put up their hand and to get the help they need. As an example we recently announced a collaboration with the National Rugby League to examine running what are called state-of-mind programs that target football clubs. With our gatekeeper training, which completely goes across areas in the Illawarra as well, our aim is to have trained 10,000 people in total in New South Wales, but we are up to looking at categorising half of those for rural and regional areas. We need to get to people in all facets of their life. That is why mental health webinars and workshops are being conducted by headspace. [*Time expired.*]

STATE HERITAGE REGISTER

The Hon. SHAYNE MALLARD (16:46): My question is addressed to the Minister responsible for heritage. Will the Minister update the House on recent State heritage listings in the magnificent Camden area?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:46): I know the Hon. Shayne Mallard has an interest in this as he has ancestors who lived out in the Badgerys Creek area. I am delighted to inform him and the House that Maryland at Bringelly has been listed on the State Heritage Register to be protected now and in the future. This significant, highly intact colonial farm estate includes a hilltop homestead, farm buildings, winery, two gatehouses, farm drives, mature ornamental plantings, remnant pleasure grounds and gardens, and home paddocks in a magnificent rural setting. With rare surviving mid-nineteenth century garden design, Maryland's remnant horticulture and vineyards give visitors a glimpse into the historic landscape around what was once called Cowpastures near Camden.

Within the Cumberland Plain, Maryland evolved from a grant of 3,000 acres in 1816. The property has been in continuous occupation by the Barker and then Thomson families for more than a century and a half and continues as a working farm today. The estate was established by engineer Thomas Barker and his son Thomas Charles Barker. The Barkers had vineyards and extensive cellars selling prize-winning wines from 1867. Maryland retains its historic stone winery building, which may in fact be the oldest standing example of a winery in Australia. Maryland was later taken on by the Thomson family, notably Annie and Elizabeth Thomson—two sisters who were renowned for their involvement in Sydney's dairy industry. As major contributors to the annual Sydney Royal Easter Show, they educated many about country dairy industry. The Thomson sisters even took their travelling exhibition, *The Milky Way*, beyond the Sydney Royal Easter Show, touring Sydney, Canberra, Melbourne, Adelaide and Perth.

Annie Thomson later established the Cobbitty Pony Club, which taught generations of local Camden kids to ride. The State Heritage Register listing will ensure Maryland's State heritage values are protected within an 86-acre curtilage surrounding it. I was absolutely delighted to receive the strong representations of the member for Camden, Peter Sidgreaves, to consider heritage listing. I also pay my respects to the current property owners for their very respectful stewardship of the property, which is now in an area of considerable future urban

development. They have willingly cooperated in the heritage listing of a very substantial area—86 acres—and I think that is a great credit to them.

INTERNATIONAL DAY AGAINST HOMOPHOBIA, BIPHOBIA, INTERPHOBIA AND TRANSPHOBIA

Reverend the Hon. FRED NILE (16:49): My question is directed to the Minister for Education and Early Childhood Learning. A concerned mother has contacted my Parliament House office, writing:

My son's K-12 school community were told they will celebrate IDAHOBIT day on May 17. In celebration, all children were to come wearing LGBTI rainbow shirts. My son, who is 12 years old, took the day off as it is an offence to his cultural and religious beliefs. Further, he believes if he went to school he would cause division and bullying of him if he would not wear the LGBTIQ rainbow shirt as others were doing and teachers were promoting.

My question is this: Is it okay for children to say no to participating in political events like the International Day Against Homophobia, Biphobia, Interphobia and Transphobia? [*Time expired.*]

The PRESIDENT: Order! The member will resume his seat. The Minister has the call.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:50): I thank the honourable member for his question regarding correspondence that he has received from a parent, obviously without specifics of the school or the particular event. The short answer to his question is yes. If parents want to object to being involved in an event due to religious reasons, which I think is what the member raised in his question, they are able to do so. Again, I am making some assumptions based on the question and the school that the student is at. If the member wants to forward any specifics to me, I am happy to clarify that further.

SOUTH-WEST SYDNEY SELECTIVE HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (16:51): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that the Government promised to build a new selective school in south-west Sydney two years ago, when will it pick a site and when will the school be built?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:52): I thank the honourable member for her question relating to the new selective high school announced by the Government. It is something that we are obviously very committed to. I believe this issue was raised quite extensively by the Hon. Mark Latham at the budget estimates hearing earlier this year. The honourable member was a member of that committee as well. Work is underway in relation to that. Clearly we have made it obvious to the community that we are looking at south-west Sydney. The Government delivers on its commitments, particularly when it comes to infrastructure and building new and upgraded schools. I encourage the member to watch this space.

The Hon. COURTNEY HOUSSOS (16:52): I ask a supplementary question. Will the Minister elucidate the part of her answer where she said "work is underway" and outline whether the business case has been submitted to Treasury yet?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:52): I thank the honourable member for her question. The advice I have is that the Service Needs report is being completed. We are in the process of identifying a suitable site. As I said in my earlier response, I will have more to say about this and the member should keep listening.

The Hon. WALT SECORD (16:53): I ask a second supplementary question. Will the Minister elucidate her answer where she said "work is underway"? As part of that work, what is the completion date for the selective school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:53): I will say this for the third time. This is a project that we are committed to and members opposite will certainly be made aware, as will the local community, as this project progresses through its various stages. We always update the local community of time frames for our infrastructure builds, and it will be no different in this case.

CONSENT EDUCATION

The Hon. CATHERINE CUSACK (16:53): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is supporting schools to teach consent?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:54): I thank the Hon. Catherine Cusack for her question. We know that schools play an important role, along with parents, to ensure that students have a clear understanding of their responsibilities when it comes to respectful relationships and consent. That is why we need to have honest and up-front conversations with young people

about sexual consent and coercion. To support these conversations, a new consent package has been developed for New South Wales schools to provide more support for our teachers and more information for parents.

To better support our teachers, a new range of teaching and learning resources that are aligned with the personal development, health and physical education [PDHPE] curriculum will be made available for teachers. The materials will be age-appropriate and tailored to support student learning from kindergarten through to year 12, ensuring that teachers can deliver the curriculum in the best way possible. The resources will all be quality assured and produced by subject-matter experts and will be available through the online learning resources hub. Resources will include support for programming and planning, along with information regarding teaching strategies, lesson sequences and stage-appropriate teaching activities that teachers can use or adapt to assist them in the classroom. Materials will also include scenario-based activities, templates for teacher-led discussions and suggested references for lessons. Teacher engagement with resources and search terms on the hub will be monitored via a dashboard so that we can stay up to date on what teachers are finding most useful and where more support is needed.

We know that consent and sex education can be a challenging conversation both in the classroom and at home and that parents play a crucial role in having these important conversations with their children. To support parents to continue classroom conversations at home—or perhaps to start them at home—we have also partnered with the Federation of Parents and Citizens Associations of NSW. Alongside the P&C, we will co-host a webinar about consent and sex education for parents. The webinar will be an opportunity for parents to find out more about the statement of intent, which all three school sectors in New South Wales have signed; what students currently learn through the curriculum; and how parents and carers can stay engaged in the discussion. We will also be surveying parents in term 3 to gauge parents' understanding of what their children are taught at school and help us understand what additional resources and information they would find helpful.

This new suite of initiatives is an important step following the statement of intent, which was signed, as I said, by all three school sectors earlier this year. The statement outlines the role of education to lead change through evidence-based curriculum, listening to student voices, increasing support for teachers and schools as well as strengthening engagement with parents and communities. As members would be aware, following an overhaul in 2018, consent is explicitly addressed in the strengthened New South Wales PDHPE syllabus, which has been mandatory in all schools since last year. Our Curriculum Reform program is also currently underway, which again provides the opportunity to update the syllabus in line with the proposed law reform announced by my colleague the Attorney General. We have made very clear our intentions to work with the community to strengthen consent education, but this is a whole-of-society challenge and we all need to take responsibility and work together to drive change.

GROW YOUR MIND

The Hon. MARK LATHAM (16:57): My question is directed to the Minister for Education and Early Childhood Learning. I refer the Minister to her answer on notice saying that the Grow Your Mind consultancy, with its lessons on animal yoga and "shark versus dolphin" thinking, is being funded in 60 New South Wales government schools. Is the Minister aware of the podcast produced by Grow Your Mind, particularly on 23 February when an 11-year-old girl asks a boy if he has a crush on a student called Jess? When he answers no, the girl asks, "Are you a girl trapped inside a boy's body?", that is, the boy must be transgender because he does not have a crush on Jess. Is the Minister aware of how the podcast continues with a female student saying these people think she is "a boy trapped in a girl's body"? Despite repeated warnings about Grow Your Mind, how has the Minister allowed this dangerous, nonsensical rubbish into our schools and why has she failed so badly in her duty of care to these primary school students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:58): I thank the honourable member for his question. He has asked me if I am aware of a particular podcast. I am not aware of that; I have not listened to it. In relation to the question the member asked me on notice, I get a lot of questions on notice—several hundred, in fact—and, as I said, I am not aware of the specifics of that particular podcast that the member is referring to or indeed that program. I want to clarify some of the information that the member has put in his question and come back with a response.

HOLSWORTHY PUBLIC SCHOOL

The Hon. ANTHONY D'ADAM (16:59): My question without notice is directed to the Deputy Leader of the Government. Given that Holsworthy Public School has more than 100 children sitting on a waiting list for before and after school care and was identified as a high-priority location for an out of school hours care [OOSH] hub, why was it excluded from the list of 47 OOSH hubs allocated to schools this year?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:59): I thank the Hon. Anthony D'Adam for his question about before and after school care and the hubs that have been rolled out across many schools in New South Wales as another way to provide this service to parents. As we are all well aware, it is important for families to have access to before and after school care. That is why we have a \$120 million commitment to increase the before and after school care places that are available to families right across New South Wales. There are a range of initiatives to support that, many of which I have canvassed in the House in the past.

In relation to the first hubs that have gone out, the placement of those has been decided through consultation with school communities, looking at whether there is an appropriate place to put them on the school site and what the need is like, as I have said in the House before. That has happened with those 47 sites. In relation to the specific school that the member referenced, I am happy to take the detail of that on notice. As I have said in the House before, the OOSH hubs have been very popular. We are certainly not ruling out looking at other locations for those particular hubs as well, should it meet the needs of the school community, the geography, the setup of the actual school and the place that is available. I am happy to take the specifics of that particular school on notice, including any consultations with the principal and the school community about what their needs are. I will come back to the member with more detail.

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

COVID-19 VACCINE

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (17:01): Earlier in question time the Leader of the Opposition asked me a question about vaccinations and aged care facilities. I have received the following specific advice from NSW Health:

Data as at 7 June 2021: Commonwealth vaccine doses in aged and disability facilities is 381,799.

NSW in total has now administered 1,515,485 doses (as at 8 June 2021).

Supplementary Questions for Written Answers

THE HON. NATALIE WARD'S MINISTERIAL DIARY

The Hon. WALT SECORD (17:02): My supplementary question for a written answer is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister provide a full list of all ministerial and related meetings that she has held since her appointment and until 4.00 p.m. today, and a full list of all attendees, including pop-ins and so-called social gatherings as well as ministerial meetings?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

That the House take note of answers to questions.

RACISM

The Hon. WALT SECORD (17:03): As the acting chair of the NSW Parliamentary Friends of Israel and the patron of the New South Wales Labor Israel Action Committee, I comment on the inadequate answer given by the education Minister in relation to a shameful anti-Semitic incident involving an employee of the education department. The Minister's answer was woefully inadequate and did not respond appropriately to the seriousness of the matter. The Minister said that she and her department reject all forms of racism, but she refused to say whether that person is still employed in her department. I am referring to an article entitled "NSW government staffer behind Hitler slur", which was published in the 4 June edition of *The Australian Jewish News* and was penned by senior journalist Gareth Narunsky.

The incident relates to an employee of the education department posting on Facebook a photograph of Adolf Hitler with the words, "It's such a shame he didn't finish his job." Such a posting is reprehensible for anyone, let alone an employee of the education department. To give an illustration of the community concern about this, as at 4.00 p.m. it was the fourth most-viewed news item on *The Australian Jewish News'* The Times of Israel website. The incident is deeply offensive to the Jewish community, especially survivors of the Shoah, those who fought Nazism and fascism and any sensible member of the community.

I also concur with the Australasian Union Of Jewish Students activist Gabrielle Stricker-Phelps, who called on the education department to take action. Sadly, the response from the education department has been limp-wristed and totally inadequate. The education department would only say, "Our code of conduct outlines the

expected behaviour of staff," and "We cannot comment on the particulars of any case." You have got to be kidding. The education department and the Minister should have condemned outright the actions of the departmental employee in unequivocal terms. I have witnessed and seen this Minister for several years and I am absolutely surprised that she would let this go through to the keeper. I thought that she would have taken action on this and condemned it in unequivocal terms. I am deeply disappointed.

To assist honourable members, I seek leave to table a printout of the offensive social media post, which I referred to in my question and supplementary question for written answer.

Leave granted.

Document tabled.

AQUATIC ANIMAL CONTAMINATION

The Hon. MARK BANASIAK (17:05): I take note of the answers to my questions regarding the fish kills in Myall Lakes. This whole situation is a comedy of errors, except no-one is laughing. We have six kilometres of dead beach worms, potentially dead pipis, potentially poisoned pipis being consumed by New South Wales people and also a sick and potentially dying seal. If I were being polite, I would describe the communication from the various departments about this incident as rubbish; if I were being impolite, I would say something that is unparliamentary. The departments essentially placed responsibility for communicating about this event in the hands of one commercial fisherman and said, "Can you make sure it gets to everyone else?" It is basically like sending out the village drummer to beat out the message to let everyone know the Phantom is coming back. It is just pathetic. Then they send out a few random text messages that are incoherent and do not go to everybody.

We spend large amounts of money on the Department of Planning, Industry and Environment [DPIE], the NSW National Parks and Wildlife Service, the NSW Environment Protection Authority [EPA] and the NSW Food Authority, and yet the Government relies on a system of Chinese whispers to get a message out to commercial fishermen that a beach is closed and they cannot conduct their business because it is unsafe. It boggles the mind. Why are we spending all this money on these clowns if they cannot do a simple task like that? They rely on individual commercial fishermen to hopefully pass on a message. Thousands of dollars in quota has been lost. With the weather the way it is, those people will probably not be able to catch those pipis before 30 June. That is just a reality. No government department wants to take responsibility for this. The EPA is saying, "We're not doing the testing." The DPIE is saying, "We're not doing the testing." Who is doing the testing? Who is closing the beach? No-one wants to take ownership of it. No-one wants to take leadership of it.

They have actually been seen testing the wrong beach—the beach further north. In my mind, the only reason they would do that is to generate a negative result to cover their mates' arses in the National Parks and Wildlife Service. The EPA's advice about the safe eating of these pipis is laughable. The agency told commercial fishermen, "Don't worry, if you only consume 500 grams and mix it with other food you'll be right." That is the Government's view on the people of New South Wales ingesting poisons: "You can ingest 500 grams but if you mix it with a bit of orange juice or soda water she'll be right, mate." It is ridiculous. This is not the first time that the National Parks and Wildlife Service has done this. It was seen spraying into a strong headwind quite a few years ago at the same location. At the very least, this is an example of departmental incompetence. At the very worst, it is departmental incompetence that has caused an environmental disaster.

MULTICULTURALISM

The Hon. LOU AMATO (17:08): I take note of answers given by the multiculturalism Minister. In addition to the considerable community engagement the Government undertook to assist in the management of the COVID pandemic, a number of other initiatives have played a vital role in maintaining social cohesion during the pandemic. The New South Wales Government has announced \$3 million to expand the Multicultural NSW Community Partnership Action program, known as COMPACT. The COMPACT program recognises that more connected and cohesive communities are also more resilient communities in the face of adversity and crisis.

COMPACT is a proven model for building community resilience and social cohesion. The COMPACT Alliance primarily has met virtually during the pandemic, coming together to share experiences and advice. Many COMPACT partners responded to public health orders by adapting their programs to continue their important role in promoting social cohesion and community harmony. With rising concerns about racism and hate during the pandemic, Multicultural NSW stepped up anti-racism projects such as Remove Hate from the Debate, which is an online platform administered by Multicultural NSW that aims to empower young people to speak out against online hate and division. The campaign has reached more than one million people so far. Our community is stronger together. Whilst we may have been challenged during these difficult times, our resilience has been displayed time and again. For that, our community should be commended.

SOUTH-WEST SYDNEY SELECTIVE HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (17:10): I take note of answers given by the education Minister today about the proposed—or the promised—selective high school for south-western Sydney. This was announced with much fanfare by the Government in June 2019—two years ago. Two years ago this Government said to the people of south-western Sydney, "We will build you a new selective high school." What has happened in between? The Minister liked to say today that work is underway. She also revealed that there is still no site. What work can be underway if the Government still does not know where it is going to build the actual school? The Minister referenced budget estimates, and it is true that the Hon. Mark Latham did ask questions about the promised selective high school—

The Hon. Mark Latham: Leppington.

The Hon. COURTNEY HOUSSOS: —and suggested that perhaps it should be built in Leppington. Labor actually revealed during budget estimates that the supposedly promised selective high school for south-western Sydney has not even made the department's list of election commitments that were promised to the community. How can the Government be progressing the promise of a new selective high school if this does not even make the list? It is no wonder, then, that the Government does not even have a site. Families across western Sydney are under pressure like never before. We have seen wage stagnation for years and this Government cut the wages of frontline workers during the pandemic. Tolls are increasing by 4 per cent each and every quarter, and children who are fortunate to find a local public school are being squeezed in like sardines.

This Government is quick to approve new housing developments across western Sydney, but it refuses to build the schools, the hospitals and the roads that are needed for population growth. A local selective school for south-western Sydney offers the opportunity for the best and brightest students to study close to home. Instead, this Government forces them to travel, like their parents, for hours across Sydney each and every day. Labor understands the pressure that working families feel. Labor will advocate for them. We call on the Government to build the selective school that it promised two long years ago.

EDUCATION AND GENDER FLUIDITY

GROW YOUR MIND

The Hon. MARK LATHAM (17:13): I take note of the answers given by the Minister for Education and Early Childhood Learning. It has become very clear she has lost control of the school system in New South Wales. There is no point having a Minister or a government schools policy if the schools themselves do not follow the policy. I heard in her answer that she is unaware that last month at major high schools in central New South Wales, like Bathurst and Kelso under the coverage of the Denison College, the so-called student support officer sent out a dozen of those gender fluidity guides, including Safe Schools material, to 150 teachers. I think of the finance Minister, who played such an important role four years ago as the member for Epping, representing parents in his electorate to say that Safe Schools should be banned. He must sit there thinking, "Why did I bother? Did it actually make a difference?"

The announcement has been consistently ignored by this Government in the four years since. Why? Last year we saw the fiasco inside the education department in which two officers sent out dozens of gender fluidity guides, including Safe Schools material, from all over the world to 70,000 New South Wales government teachers. The Minister and the Premier said, "We'll give them some counselling." If someone in the public service breaks government policy, surely they should be marched out the door and sacked immediately. Those officers remain there today. All they got was a bit of counselling. People elsewhere in the system must think to themselves, "If people don't get sacked for doing these things, we will do it too." At Bathurst and Kelso and Denison, they have done that last month.

The Minister is completely ineffective because nobody takes her and her policies and directives seriously. If she does not stand up to the people breaking government policy inside the education department, schools are emboldened and the leftists are emboldened to send out more of that material that has got nothing to do with education. In an environment where our school academic standards have been sliding down the international league tables for the past 20 years, what has this got to do with education and giving young people the things they need—deep knowledge, academic skills, vocational qualifications, literacy and numeracy—to get a good start in life? It has got nothing to do with it, and the Minister is ineffective and totally lost at sea on what to do about it.

Then we come to the Grow Your Mind consultants. I have warned about this time after time—people who get paid for so-called well-being programs that deal with animal yoga and "shark versus dolphin" thinking. Now they have produced a podcast with primary school students and nonsensical comments that is undoubtedly being used in schools. The kids obviously do not understand what they are saying about a girl trapped inside a boy's body or a boy trapped inside a girl's body. In fact, some of it could be taken as some kind of transphobic slur. In

the podcast the boy says he has not got a crush on Jess and the girl gives a reason for that: "Well, you must be a girl trapped inside a boy's body. That is why you have not got a crush on her." What has this got to do with education? What has it got to do with educating our young people? Why does the Minister not do anything about it? It is a disgrace. [*Time expired.*]

YOUTH MENTAL HEALTH AND SUICIDE

WEE WAA HIGH SCHOOL

The Hon. SAM FARRAWAY (17:16): I take note of answers given by the Hon. Bronnie Taylor in response to a question that I asked her today about mental health sessions for parents and carers. I touch on a few points that I felt were important to highlight, and that is, as the Minister highlighted, the free mental health workshops the New South Wales Government is holding through headspace. It is a fantastic initiative from the Minister the Hon. Bronnie Taylor, in which \$1.2 million will provide 200 free sessions for parents and carers to understand how to talk to their kids about mental health and where to find help and services.

The aims of the free sessions are to build mental health literacy and provide that education; to strengthen understanding of risk and warning signs; to strengthen understanding of and skills in coping and help-seeking; and to build awareness of local services and pathways for that community where people are seeking assistance. As the Minister highlighted, headspace will coordinate and co-host these online and in-person sessions, providing free mental health education in local communities on how to talk to our young people about suicide and feelings, and how to actually access those services. The sessions are happening right now and right across the State. Last night there was a session in Albury and tonight there is a session in Nowra. From my notes, there is a session in Strathfield later this week as well. Forty-eight sessions have been held with more than 1,000 registrations, and another 45 sessions are scheduled for term 3. I urge all parents to go to the headspace website and register for a session. It is a good resource and it is good to see that being rolled out.

I also touch on answers given by the education Minister, the Hon. Sarah Mitchell, regarding my question on her visit to Wee Waa and the announcement about the Wee Waa High School. Yes, I did join her last week to make the announcement that the New South Wales Government would be funding and building a new high school for the community of Wee Waa. I give a big shout-out to Principal Annabel Doust, Deputy Principal Jacki Neil, and Narrabri Shire Council Mayor Ron Campbell, all of whom have played a very crucial and vital role in helping with the process throughout the mould issues at Wee Waa High School. It has been very disruptive and difficult for that community, for their children and for education in general in the north-west. It is good to see that the preferred site will have connectivity to the existing public school. There will be new infrastructure and facilities that students from both sites will be able to use. It is light at the end of the tunnel for that community. The commitment is there to build them a brand new facility.

COVID-19 VACCINE

The Hon. PENNY SHARPE (17:19): I want to focus on the answers given today by the new seniors and veterans Minister, the Hon. Natalie Ward. When the Minister provided a supplementary answer around the numbers of vaccines in New South Wales I was unclear whether the figures were statewide, whether they were national, whether they were for workers in aged care and how many of them were fully vaccinated. I was a little disappointed. I congratulate the Minister's office on getting an answer towards the end of question time, but the reality is that it did not provide us with the detail that we need. The real issue is that we know that the Federal Government is responsible for aged care. We know that it is, as of today, still unable to tell us how many aged-care residents in this State have even had one dose, let alone two doses, of the vaccine. More importantly, we still have a massively under-vaccinated aged-care workforce.

As we have seen in Victoria and as we saw during the COVID peaks last year, aged-care residents are one of the most vulnerable groups. Once COVID gets into an aged-care service it is incredibly dangerous and people die. This is a very serious matter. I do not seek to have a go at the new Minister, but I urge her to get on top of what is going on federally and with her Federal colleagues. The Minister said in her answer that she wants to be an advocate. We need more than an advocate. We know that the Federal Minister was basically unable to tell us how many aged-care workers had been vaccinated, and the belief is that it is less than 10 per cent. When we know that these workers are some of the most low paid and that they work two or three jobs, it does not take very much for that to be an issue. They need to be a priority and the work between the State Government and the Federal Government is serious. We have seen what has happened in Victoria. This issue is coming at us at a mile a minute. We know what the problem is.

As I said, I congratulate the Minister on her new gig, but the Opposition really urges her to get on top of these vaccination numbers. The State Government has stepped up on the vaccine centres. I again reflect on the Opposition's question which was about pharmacies in rural and regional areas. We know that people cannot get

in to see doctors for a range of reasons. The pharmacy situation is an innovative and smart way to get older people in our community who are in need of the vaccine but who are not in aged care vaccinated as soon as possible.

REGIONAL AMBULANCE SERVICES

The Hon. ROD ROBERTS (17:22): I take note of a written answer provided by the Minister for Health and Medical Research to a question I asked him via the Minister for Mental Health, Regional Youth and Women. The question related to an incident where Mrs Vicki Saker of Batemans Bay called 000 and requested an ambulance, due to her being in debilitating pain. Some 30 minutes later she received a call and was told the ambulance could not attend as it was responding to another incident. Mrs Saker was subsequently driven to the hospital by her husband, where she was admitted and underwent emergency surgery. The answer provided by the health Minister actually confirms Mrs Saker's version of the events and says:

While responding, the vehicle was reassigned to attend a higher priority, more clinically urgent, incident. NSW Ambulance contacted the caller to advise of the delay.

Here is a perfectly fit woman in her early fifties, in debilitating pain, needing an ambulance and then being told, "Sorry, we can't make it. Somebody else is more important than you." This woman has never called an ambulance before in her life and when she needs one she is told, "No, we can't come." Of great concern in the Minister's answer is the fact that it disclosed that during the night shift period, being 6.45 p.m. to 7.00 a.m. the following morning, there is only one crew rostered on for duty. That is one vehicle with two paramedics—that is it. As at the 2016 census Batemans Bay had a population of over 11,000 people. There is one ambulance for 11,000 people. How is one vehicle going to provide an efficient service for a population that size?

The intersection of the Princes Highway and the Kings Highway is at Batemans Bay. Those of us who have travelled those roads know that they are notorious for serious motor vehicle collisions. Unlike metropolitan Sydney, where the Minister lives, the nearest backup vehicles are not only miles away but also a considerable time away. On the night in question, Mrs Saker was told the nearest ambulances available were either at Braidwood or Narooma. Both of these locations are at least 45 minutes away from Batemans Bay.

The most concerning fact though is that, according to the Australian Bureau of Statistics, over 40 per cent of the population of Batemans Bay is over 60 years of age. That is nearly double the national average. I am nearly in the over-60s bracket myself, so I have a great deal of respect for those in that age group. But it is a fact that they will require medical and ambulance services more frequently as they get older. Surely because of its aging demographic, with nearly double the national average of people over 60, Batemans Bay and its community deserve a better allocation of ambulance personnel. This is not a reflection on the paramedics at Batemans Bay; I have been assured they do a magnificent job. But it is a sad indictment of the management of the ambulance service when it comes to the much-needed allocation of human resources. I call upon the Minister to fix this undesirable situation.

DINE & DISCOVER NSW

SOUTH-WEST SYDNEY SELECTIVE HIGH SCHOOL

The Hon. WES FANG (17:25): I take note of answers given today by the Minister for Finance and Small Business in response to my question about Dine & Discover vouchers. I invite those people who have not used their vouchers yet to get out into rural and regional areas and use them this upcoming Queen's birthday long weekend. They might want to go to a place like Berrima, which recently won the award for Top Tourism Town with a population under 5,000 at the Local Government NSW Destination and Visitor Economy Conference held at Port Macquarie. Or they can go to Mudgee, which took out the prize for Top Tourism Town with a population over 5,000, where they can use their Dine & Discover vouchers with Balloon Aloft, Mudgee Honey Haven, Mudgee Travel & Cruise, Country Escape Tours or the Mudgee Museum.

The Minister talked about people of all ages who have been using their vouchers. There are 248 residents aged 100 years or over who have claimed their four vouchers to get out and dine and discover in New South Wales. I understand that 18,317 people in their nineties and 145,200 in their eighties are also enjoying their \$25 vouchers. I am told that at the cinema people can use their voucher for a senior's ticket and get a large popcorn and a choc top as well! Now that is a night out! I encourage everyone to download their vouchers, if they have not already done so, and use them by 30 June. We know that even the Hon. Walt Secord managed to download the vouchers on the app, so anybody can do it.

I also take note of some of the answers given today around schools and particularly the proposed selective school. I note the Hon. Courtney Houssos said that it did not make the election commitment list. That is because the commitment was made after the election, in June 2019. We know that the people of western Sydney only trust us, the Coalition, to build schools. We know that those opposite closed schools when they were in government. Members on this side of the House build schools. The people of western Sydney only trust us to build schools.

They only trust us to build selective schools. They know that we are the only ones that can deliver them. We are the Government that builds schools. We are the Government that delivers.

STATE HERITAGE REGISTER

The Hon. SHAYNE MALLARD (17:28): I reflect upon the answer that Minister Harwin gave to my question regarding heritage listings in the Camden region. I am delighted that we have heritage listed and protected the historic homestead of Maryland, its buildings and about 80 acres of early colonial period landscaped grounds. I met the two sisters who currently operate it as a functioning dairy farm—and have done for generations—at a fundraiser I attended some while ago at the Campbelltown regional art gallery. I was so impressed with the history of the property and their care for it. As a fellow who grew up in Penrith, I lament the loss of some of the great landmark homesteads in western Sydney. Many have been lost across Sydney, and I am very pleased that we have preserved this one.

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

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. BEN FRANKLIN (17:30): I conclude this take-note debate by highlighting three answers given in today's question time. Those answers highlight three entirely different policy areas and policy priorities of this Government. Those priorities prove that Government members are not only taking care of people's lives as well as their livelihoods but also governing with their hearts as well as their heads. The first area relates to heritage grants. As the Minister referred to, one of those grants was given to the Kinchela Boys Home. Any member who was on the Legislative Council committee inquiry into the Stolen Generations and reparations for them—the Hon. Courtney Houssos was one—will know that our visit to the Kinchela Boys Home was one of the most difficult, meaningful and traumatic experiences of our lives. This Government is putting \$50,000 into creating a virtual tour of that site—a survivor-led experience for people who may not be able to visit the memorial—which is extremely important, particularly to those survivors who cannot get back.

The second answer I refer to is that given by the mental health Minister about the workshops for parents and carers who are trying to address concerns of their children. I know people in this Parliament and members in this Chamber have expressed concerns to me about what to do about a challenging relationship with a child, particularly a child who is moving towards the middle and end of their teenage years who might be suffering serious mental health challenges and may be looking at potential self-harm. Those mental health workshops provide parents and carers with the tools needed to understand what their children are going through and what tools can be accessed to help them. I encourage people to visit the Headspace website to find out exactly what courses are on offer and which ones might be close to them.

Finally, I once again reinforce the importance of the very excellent Dine & Discover NSW vouchers. I have spent my two dine vouchers but not my two discover vouchers. I have my shortlist, and for the benefit of the House I thought I might pluck from the air the names of some businesses I could go to: Kyogle Cinemas, Sundive Byron Bay, Fozie's Fishing Adventures in East Ballina, Balloon Aloft in Byron Bay, Ballina waterslide or Lismore Tenpin Bowl. The one I really want to visit is Byron Eco Cruises and Kayaks, run by the magnificent Lorraine and Simon, who have won so many ecotourism awards. I encourage all members to do that tour of the Brunswick River.

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

Motion agreed to.

Deferred Answers

COVID-19 AND SCHOOL CLEANING STANDARDS

In reply to **the Hon. ADAM SEARLE** (5 May 2021).

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

Enhanced cleaning has been in place in all schools since Day 1, Term 2, 2020, in line with advice from NSW Health to reduce the potential risk of COVID-19. A supplementary day clean has been taking place at every school across New South Wales from 11 May 2020, in line with the Australian Health Protection Principal Committee [AHPPC] guidance. The additional cleaning will remain in place while directions are in place from NSW Health or the AHPPC.

In relation to the core cleaning contract, under the 2019 whole-of-government contract, contractors were required to determine the number of hours required at each school in line with the Department of Education's benchmark and while meeting the rigorous cleaning standards that have been a part of the ongoing cleaning requirements in all New South Wales schools.

To ensure the contract is more equitable for all schools, contractors at a number of schools whose cleaning hours were found to be above the benchmark were required to reduce hours. The adjustment in cleaning hours was deferred as a result of the COVID-19 pandemic and alternative cleaning arrangements implemented, as outlined above. Decisions on the continuation of enhanced and additional cleaning will continue to be based on health advice.

SEXUAL ASSAULT

In reply to **the Hon. ADAM SEARLE** (5 May 2021).

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

I am advised:

Court proceedings related to offences of sexual violence in this State are discontinued for a variety of often complex reasons. These reasons, while recorded within the NSW Police Force Computerised Operational System [COPS], cannot be extracted in a simple or reliable manner.

COPS was introduced in 1994 and the NSW Police Force is in the initial process of decommissioning the system. It is to be replaced with the Integrated Policing Operating System [iPOS]. On 1 March 2021, NSW Police Force signed a contract with public safety software provider, Mark43 Inc, to deliver the first crucial components of the cloud based system. It is expected that iPOS will include functionality that supports the accurate extraction of data, including reasons for the discontinuation of sexual violence offences proceedings.

NORTH COAST WOOD SUPPLY AGREEMENT

In reply to **Mr JUSTIN FIELD** (5 May 2021).

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

Forestry Corporation has committed to good-faith discussions under the terms of the Wood Supply Agreements and all relevant factors will be considered in these discussions.

REGIONAL AMBULANCE SERVICES

In reply to **the Hon. ROD ROBERTS** (6 May 2021).

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

I am advised that an ambulance was assigned from Batemans Bay station to attend to the patient within minutes of the 000 call. While responding, this vehicle was reassigned to attend a higher priority, more clinically urgent, incident. NSW Ambulance contacted the caller to advise of the delay, and the caller advised they would drive to hospital.

Batemans Bay ambulance station has 19 full-time staff. Staff are rostered 24 hours, with two day shift crews (four paramedics), rostered from 6:45 a.m. until 7:00 p.m., and one night shift crew (two paramedics) rostered from 6:45 p.m. to 7:00 a.m.

Since June 2020, Batemans Bay, and nearby Narooma and Moruya ambulance stations, have had a total of 31 additional paramedics assigned to enhance emergency services on the south coast and to reduce fatigue among paramedics.

NSW Ambulance performance data is publicly available on the Bureau of Health Information website at <http://www.bhi.nsw.gov.au>.

WEE WAA HIGH SCHOOL

In reply to **the Hon. MARK BANASIAK** (6 May 2021).

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

The health and wellbeing of all our students is a priority. I have received advice from the Department of Education that every child who needs an inhaler or EpiPen can carry one with them at all times on school grounds and during excursions. Any suggestion that students at Wee Waa High School have been banned from carrying these items is false.

All schools must also carry an inhaler and an EpiPen in their first aid kit which must be available for easy access should a medical emergency occur. The department has confirmed that the school has seven asthma inhalers on site and 15 EpiPens strategically placed on the school site for easy and immediate access.

Staff are trained regularly in first aid, asthma and in the administration of EpiPens. Individual health student care plans are made available to all staff who care for those students at particular risk.

For the school day of 4 May 2021, year 7 to year 12 students had been instructed to leave all bags and books at home that day and that all class work, and equipment would be provided for their lessons. This was done in an effort to reduce the likelihood of possible recontamination following the deep clean that had just been completed at the primary school site.

On that same day, there were no students present who had an asthma Health Care Plan. There is currently one student with an anaphylaxis Health Care Plan who does not usually carry an EpiPen due to the unlikelihood of contact with the particular allergen.

Notifications to the school community for 5 May 2021 clearly stated that if the students needed to bring a small bag for essential items they were able to do so.

MINISTERIAL DRIVERS

In reply to **the Hon. ADAM SEARLE** (11 May 2021).

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

I am advised that the Department of Premier and Cabinet has not received any complaints in relation to the matters published.

HORSERACING INDUSTRY

In reply to **the Hon. MARK PEARSON** (11 May 2021).

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

The Hon. Mark Pearson is incorrect in his assertions that Mr Sutherland was unsanctioned.

I am advised by Racing NSW:

- Mr Trevor Sutherland was sanctioned by Racing NSW Stewards following compliance audits in relation to Local Rule 114, which prohibits retired thoroughbred racehorses from being, directly or indirectly, sent to an abattoir, knackery or similarly disposed of.
- Racing NSW Stewards issued Mr Sutherland with a penalty of three-years disqualification.
- Mr Sutherland appealed the penalty to the Racing NSW Appeals Panel, which overturned the disqualification. Racing NSW has appealed this decision to the Racing Appeals Tribunal.

SCHOOL SAFETY AND SECURITY

In reply to **the Hon. ADAM SEARLE** (12 May 2021).

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

Weapons, violence and anti-social behaviour are not tolerated at our schools. The safety and security of our students is always our highest priority.

The Summary Offences Act 1988 [the SO Act] outlines the law in relation to the possession and use of knives in a school or public place. The SO Act outlines that knives can be carried at schools if there is a reasonable excuse for doing so, including for the preparation of food (which is relevant to some classes at school), and for genuine religious purposes, which could include an initiated Sikh wearing a kirpan.

This exemption in the SO Act means that it is not currently illegal for a student to wear a knife for genuine religious purposes at school.

Following the incident at Glenwood High School recently, the New South Wales Government implemented a temporary ban on students, staff and visitors carrying any form of knife into government schools, including those carried for religious purposes.

This ban will remain in place while the New South Wales Government carries out a rigorous consultation process with parents, students, agencies, unions, police, community groups and other stakeholders, to determine how best to let students meet the needs of their religion while adhering to school safety policies.

Any consequential amendments to departmental resources as a result of the consultation will be made at the conclusion of that process, which is currently well underway.

WOMEN AND RETURN TO WORK PROGRAM

In reply to **the Hon. PENNY SHARPE** (12 May 2021).

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

I note that I provided an answer in my response on the 13/05/2021 to a separate Supplementary Question for Written Answer asked by the honourable member, which read:

I am advised as at 13 May 2021, 2336 appointments have been booked with Return to Work Coordinators. Of these, 1324 women have elected to proceed with the formal application process. Of these, 796 applications have been approved with over \$3,543,000 in payments made. 481 applications are currently pending in the system with the total requested amount being \$5,809,000. 47 applications have been declined, representing 5.90 per cent. Applications continue to be made daily with an average of \$600,000 being paid to women weekly. The New South Wales Government is on track to fully exhaust the \$5,000,000 allocated in Phase 1 and will bring forward the \$5,000,000 allocated in Phase 2 for 2021-2022 financial year.

As at 01/06/2021, I can confirm that 1,107 women have been approved for funding with over \$4,889,238 in payments made.

LAND CLEARING

In reply to **Mr JUSTIN FIELD** (12 May 2021).

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

I am advised that some of the land in question was categorised as sensitive regulated land when Part 5A of the Local Land Services Act 2013 [LLS Act] commenced because it was previously mapped as containing old growth forest during the establishment of the Regional Forest Agreements in the 1990s.

Under the LLS Act, landholders may request a review of the published land categories at any time and provide the Department of Planning, Industry and Environment any additional information to support the review.

I am advised on 2 October 2020, Local Land Services, acting as an agent on behalf of the landholders, submitted an application for a review of the Native Vegetation Regulatory Map land categorisation for the property in question. This was accepted by the department on 13 October 2020.

Local Land Services inspected the property and provided photos to support the map review application, which showed no old growth forest present on the site. Local Land Services also confirmed extensive evidence of historic logging and resulting regrowth in the area originally categorised as sensitive regulated land.

The department followed the standard practice to review the available recent and historical aerial imagery and had found clear evidence of past logging on the site was visible in 3D imagery in 2009 and 2014. The past disturbance and the amount of regrowth trees meant the site no longer met the definition of old growth forest and it was determined it should be re-categorised as Category 2 — regulated land on 17 November 2020. The landholder and Local Land Services were advised of this on 23 November 2020.

There were no other legislative reasons for retaining the Category 2 — sensitive regulated land classification, as provided under the LLS Act or associated Regulation. On 15 January 2021, the online transitional Native Vegetation Regulatory Map was updated to show this land re-categorisation.

MENTAL HEALTH AND CANNABIDIOL OIL USE

In reply to **Ms CATE FAEHRMANN** (12 May 2021).

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

i. Is the Minister aware of the benefits that CBD oil can have for treating certain mental health issues?

I am advised:

The evidence for using cannabidiol (commonly referred to as CBD oil as cannabidiol medicines often come in oil form) to treat mental health conditions, remains inconclusive. Whilst several small studies suggest cannabidiol may reduce symptoms in patients with post-traumatic stress disorder, further large, high-quality controlled clinical trials are necessary to substantiate these findings and establish the safety, efficacy and tolerability of CBD oil in the treatment of mental disorders.

One systematic review evaluating the evidence for the safety and efficacy of cannabidiol in the management of anxiety disorders found cannabidiol may provide a promising alternative therapy in the management of anxiety disorders. However, another recent systematic review concluded that the routine use of cannabinoids to treat anxiety disorders is not currently supported by the evidence.

ii. Secondly, what steps is the Minister taking to make CBD oil available to those who need it in New South Wales?

I am advised:

Any doctor in New South Wales can legally prescribe a cannabis medicine if they believe it is an appropriate treatment option for their patient and they have obtained the relevant authorities. To prescribe an unregistered cannabis medicine for their patient, a doctor must lodge an application under the Special Access Scheme using the online system on the Therapeutic Goods Administration's website. In prescribing an unregistered medicine the doctor must consider if sufficient evidence exists to use the medicine and explain the risks to the patient.

TEACH.NSW SCHOLARSHIPS

In reply to **the Hon. COURTNEY HOUSSOS** (12 May 2021).

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

The department offers a range of Scholarship and Sponsorship (retraining) programs, primarily to pre-service and current teachers, and more recently to industry professionals. The programs support those who undertake recognised university-level study that meets current and projected workforce needs in high demand subjects and locations. There is a particular emphasis on STEM, Great Teaching, Inspired Learning [GTIL] initiatives including rural and remote education, and specialist teaching areas such as special education and school counselling. The programs are developed and aligned to key strategies such as the Maths Strategy and Disability Strategy.

The Department of Education has appointed 3,297 teachers through scholarship programs. This includes 547 Aboriginal or Torres Strait Islander teachers.

Of these, 2,580 (approximately 78 per cent) remain in employment with the department. Of the 547 Aboriginal or Torres Strait Islander teachers, 455 (approximately 83 per cent) remain in employment with the department. (Data is at 10 May 2021).

The following scholarships are currently being offered by the Department:

Teacher Education Scholarships**Targeted at**

Aboriginal current and future students completing an initial teacher education program in any subject area and non-Aboriginal current and future students completing an initial teacher education course in a secondary high-demand subject area or special education (Kindergarten-Year 12).

Incentive

- \$7,500 training allowance per academic year of study for a maximum of five years (up from \$5,000).
- \$6,000 completion bonus (increase from \$3,000).
- A permanent teaching role.

Teach.Rural Scholarships**Targeted at**

Talented HSC students commencing teacher education studies and current university students in subject areas of workforce need who are prepared to teach in rural and remote locations.

Incentive

This scholarship was significantly enhanced in 2018, with up to

- \$50,000 equivalent upfront course contribution fee;
- \$7,500 per year of study;
- \$6,000 on completion of study; and
- \$500 per week during rural practicum placement. The first cohort receiving this package commenced study in 2019.
- A permanent teaching role.

Graduate Teacher Scholarships**Targeted at**

A student currently completing their final year of initial teacher education studies for employment as a secondary teacher of a high-demand subject area or special education (Kindergarten – Year 12).

Incentive

- \$5,000 training allowance (increase from \$3,500).
- A permanent teaching role.

Teach.MathsNOW Scholarships**Targeted at**

Industry professionals in mathematics and university students studying pure or applied mathematics. Commenced in 2020.

Incentive

- Financial support of up to \$50,000.
- Employment as a paraprofessional while completing a teacher training qualification.
- A permanent teaching role as a secondary maths teacher on successful completion of study.

The following retraining sponsorships are currently being offered by the department:

School Counsellor in Training Program & Psychology Sponsorship Program**Targeted at**

Scholarships are available for teachers to retrain as school counsellors.

Incentive

- School counsellors in training receive:
- full-time teaching salary
- tuition fees paid
- a Master of Professional Psychology (School Counselling) from Charles Sturt University upon successful completion of the course
- a permanent school counsellor role in a New South Wales public school in area of workforce need.

Teach and Learn Scholarships**Targeted at**

Permanent and temporary teachers supported to retrain as a teacher of a high demand subject area or specialist teaching area. Program enhanced and relaunched in 2020 from the program previously known as STEP [Sponsored Training Program].

Incentive

- \$20,000 per year of full time study, max two years (increase from \$10,000)
- \$500 per week during practicum
- Study leave provisions
- a permanent teaching role for high demand subject areas.

Inclusive Practice in Education Scholarships**Targeted at**

Eligible teachers to complete a masters with a specialisation in inclusive or special education, now includes a pathway for a masters with specialisation in the area of deaf and hard of hearing or blind and low vision and a pathway for a graduate diploma in inclusive/special education.

Incentive

- Up to \$23,000 toward course fees
- Study leave provisions
- For teachers not yet permanently employed, a permanent teaching position

Scholarships and Sponsorships for study commencing from 2022 will open for applications from mid-2021.

Program Number	Available 2022	Number Available 2021
teach.MathsNOW Scholarships	Up to 80	Up to 80
Teacher Education Scholarship Program	Up to 150	Up to 150
Teacher Education Scholarship Program – Aboriginal	Up to 80	Up to 80
Graduate Teacher Scholarship	Up to 20	Up to 20
teach.Rural Scholarships	Up to 60	Up to 60
Teach and Learn Scholarship for High Demand Subject Areas	Up to 40	Up to 40
Teach and Learn Scholarship for Specialist Teaching Areas	Up to 40	Up to 40
Inclusive Practice in Education Scholarship	Up to 100	Up to 150
School Counsellor in Training Sponsorship	Up to 25	Up to 25
Psychology Sponsorship Program	Up to 10	Up to 10

Note: The number of scholarship places offered in 2022 is aligned to anticipated demand from successful applicants.

CONCORD HIGH SCHOOL

In reply to **the Hon. PENNY SHARPE** (13 May 2021).

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

On 30 April 2021 the principal of Concord High School contacted the local School Infrastructure NSW office regarding the need to address a shortage of girls' toilets at the school.

A project to upgrade the toilets has since been nominated for inclusion in a future capital works program. It will continue to be assessed for funding against competing projects in schools across New South Wales.

In the meantime, two blocks of demountable toilets will be installed by Day 1, Term 3, 2021

ENERGY POLICY

In reply to **the Hon. MARK LATHAM** (13 May 2021).

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

I don't accept the premise of the question.

WEE WAA HIGH SCHOOL

In reply to **the Hon. WALT SECORD** (13 May 2021).

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

It has been confirmed that the three art and timber Major Work Projects have not been physically impacted and any paperwork forming part of the students' portfolios has been digitised.

The Department of Education is working with the school to understand the impact of any lost time on the current HSC cohort. Any identified need for targeted support will be provided and communicated to staff, students and parents.

This information will form the basis of any application for special consideration to the New South Wales Education Standards Authority, which are submitted in the month prior to the HSC.

RENEWABLE ENERGY

In reply to **the Hon. MARK PEARSON** (13 May 2021).

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

Any biomass power stations generating electricity from the burning of wood cleared from native forests would need to meet the same eligibility and merit assessment criteria as other renewable energy generation infrastructure under the Electricity Infrastructure Investment Safeguard, established under the Electricity Infrastructure Investment Act 2020.

Under the Electricity Infrastructure Investment Safeguard, an independent Consumer Trustee will be appointed to run competitive tenders to award Long Term Energy Services Agreements [LTESAs]. The LTESAs will support private sector investment in projects that align with identified needs and provide investors with certainty.

In January 2021, the department released an information paper on LTESA tender eligibility and timing, which is available on the energy.nsw.gov.au website.

A full set of LTESA terms and conditions and tender rules, including eligibility criteria, will be made and published by the Consumer Trustee once appointed.

CONCORD CENTRE FOR MENTAL HEALTH WALKER UNIT

In reply to **the Hon. GREG DONNELLY** (13 May 2021).

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

The Concord Centre for Mental Health's Walker Unit is a Statewide inpatient facility for young people aged 12 to 18 years presenting with complex mental health issues. The safety of each young person admitted is paramount, including ensuring that they can access appropriate specialist medical care. Treatment for medical conditions is usually provided by the affiliated Concord Repatriation General Hospital. However, the Concord Repatriation General Hospital's admissions policy was updated in January 2020 to transfer children (who require medical care and are aged under the age of 16) to a centre that provides paediatric services, such as Canterbury Hospital or The Children's Hospital at Westmead. Exceptions to the policy are considered on a case-by-case basis.

ENERGY POLICY

In reply to **the Hon. ROD ROBERTS** (13 May 2021).

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

Questions regarding the appropriateness of foreign investment, including on national security grounds, are handled by the Commonwealth Government, in particular the Foreign Investment Review Board. That is appropriate because it is the Commonwealth Government that has access to all the relevant information and advice from Australia's intelligence agencies.

I note that the New South Wales Government's grant to support the EnergyAustralia Tallawarra B project was supported by the Commonwealth and it says a lot that the honourable member would prefer to play race-based politics rather than support affordable, reliable electricity and jobs in the Illawarra.

While Australian's should always stand up for our principles against authoritarian regimes, in the case of China we should never forget that there is a distinction between the Chinese Communist Party and the Chinese people.

SCHOOL CANTEENS AND FOOD HEALTH RATINGS

In reply to **the Hon. MARK BUTTIGIEG** (13 May 2021).

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

Our canteens follow the food and drink criteria of not selling sugar sweetened drinks to students. All diet drinks are regarded as an occasional item and only make up 25 per cent of the school menu.

Unsweetened fruit and vegetable juices are classified as everyday items, and are promoted to students as the preferred drink of choice after water.

There are no changes to the current food and drink criteria of the strategy, and the Department of Education will continue to work with the Ministry of Health for nutritional advice to ensure that our students have access to healthy food and drink choices.

Written Answers to Supplementary Questions

CONCORD HIGH SCHOOL

In reply to **the Hon. WALT SECORD** (13 May 2021).

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

There are currently four permanent vacancies at Concord High School. Recruitment for all positions is currently underway.

Position 1 was declared vacant on 19 February 2021, and was vacated by the former teacher on 18 April 2021.

Position 2 was declared vacant on 23 November 2020, and was vacated by the former teacher on 26 January 2021.

Position 3 was declared vacant on 25 March 2021, and vacated by the former teacher on 27 January 2021.

Position 4 was declared vacant on 15 January 2021, and vacated by the former teacher on 21 February 2021.

Until the conclusion of the recruitment process, a temporary or casual teacher will cover the classes to ensure continuity of learning for students.

Committees

LEGISLATION REVIEW COMMITTEE

Membership

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

MR PRESIDENT

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

That:

- (1) David Robert Layzell be appointed to serve on the Legislation Review Committee in place of Wendy Elizabeth Lindsay, discharged.
- (2) A message be sent informing the Legislative Council.

Legislative Assembly
8 June 2021

JONATHAN O'DEA
Speaker

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Government Response

The Hon. DAMIEN TUDEHOPE: I table the Government response to report No. 13 of the Portfolio Committee No. 6 - Transport and Customer Service entitled *Operation of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016*. I move:

That the report be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of Mr David Shoebridge: I move:

That committee reports and Government responses orders of the day Nos 1 and 2 be postponed until the next sitting day.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Tara Moriarty: I move:

That committee reports and Government responses order of the day No. 3 be postponed until the next sitting day.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Mark Latham: I move:

That committee reports and Government responses order of the day No. 4 be postponed until the next sitting day.

Motion agreed to.

Committees

SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

Report and Government Response

Debate on the report resumed from 11 May 2021.

Debate on the Government's response to the report resumed from 16 February 2021.

Ms ABIGAIL BOYD (17:37): The Select Committee on Animal Cruelty Laws in New South Wales produced a very important report as a result of its inquiry. The report, entitled *Animal Cruelty Laws in New South Wales*, is an important step towards bringing animal cruelty legislation and enforcement into line with community expectations. The Greens have been campaigning for better enforcement of animal cruelty laws for the better part

of two decades. I am pleased to see this important work making some headway in this place as a result of The Greens policy being adopted in the recommendations of this report. I acknowledge the work of my colleagues and predecessors, particularly the former Senator and member of this place Lee Rhiannon. Since 2004 she has been calling for the Government to take real responsibility for enforcing animal cruelty laws and to fund inspection and prosecution powers through the NSW Police Force, and since 2014 for an independent office of animal welfare.

The report outlines some good outcomes, which I will address first. The report recognises that the NSW Department of Primary Industries effectively views the concept of animal welfare within the context of agricultural industries as being synonymous with quality of stock. We often hear people say, "I love my animals. It's in my interest to keep them healthy because that is how I create a good product." Whether it is greyhound racing or animal agriculture, the notion that animal welfare reflects product quality is not necessarily reflective of the broader community's understanding of animal welfare. The community is increasingly viewing animals as sentient beings, regardless of their use to humans. That change in community attitudes is not being reflected within the Department of Primary Industries. The report expressed a real concern that the Department of Primary Industries risks maintaining this narrow and outdated view of animal welfare matters, which is out of step with the broader community, because of the way that animal welfare has been connected to the department as opposed to sitting with a different Minister in a different department.

The report recommended that the Government move responsibility for animal welfare matters out of the Department of Primary Industries and that it establish an independent statutory body—the Independent Office of Animal Protection. Interestingly, the call for having that independent oversight body does not come just from people who are on the animal welfare side of this debate. I have been involved with the greyhound inquiry and visiting regional New South Wales and people have been expressing the view that having an independent animal welfare structure could benefit different parts of society. It is great to see that gaining some traction. There was also a recommendation that the Government ensure that the Act and the animal welfare framework that supports it be overhauled to better meet the community's growing understanding of animal sentience and their expectations about animal welfare and that it reflect modern knowledge and practices regarding animal treatment. This is another area where we see science and evidence moving on and research into various practices in other parts of the world not necessarily making its way into Australian practices.

The committee found that the bodies that are responsible for enforcing animal cruelty legislation—the RSPCA and the Animal Welfare League—rely heavily on donations for the vast majority of their funding, which has the potential to compromise their independence. The report recommends that the Government should significantly increase the funding of those bodies to strengthen their enforcement capabilities and to reduce conflicts of interest. It is not ideal to have major charities responsible for enforcing animal cruelty legislation while also having in the back of their minds what that particular action looks like to the people who are most likely to donate. It is an unusual situation to have a body other than the police enforcing this kind of law and taking action for animal cruelty crimes. Although it has always been the case, it is incumbent on us to look at the impact that that continuous structure has in the modern day.

There were some less than optimal outcomes in the report. The report suggested that the Government consider statutory limits on animal cruelty offences, rather than recommend that those limits be lifted or just extended. I was pleased to see that in the recent Prevention of Cruelty to Animals Act [POCTAA] The Greens managed to get up some penalty amendments that fix that situation. Hopefully they will stick. It was also disappointing that the committee did not recommend the removal of restrictions on private prosecutions of animal cruelty offences, notwithstanding the support for that notion across the board. In my view, the worst outcome of the inquiry is the absolute contempt with which the Government has responded to the report and the important work of the committee, the stakeholders and community members who engaged with the process, and the animals who were impacted by enforcement of animal cruelty laws.

By refusing to support a single recommendation of the inquiry, including the recommendation to increase penalties, which this place supported in March, the Government has exposed that it has no interest in listening when the community says animal welfare must be given a higher priority. In the context of the current legislation that the Government says it is working on to overhaul the POCTAA and animal welfare laws, whenever we point out the delay to the overhaul of those laws, we constantly hear from the Government that it needs to consult and that there has not been enough consultation. This important joint select committee did the Government's work for it and consulted and made very clear recommendations. For that to be dismissed by the Government is disappointing.

The Greens will continue to advocate for the welfare and protection of animals in New South Wales and across Australia. While the Government simply noted all the recommendations that were made by the committee and did not explicitly support a single one, we hope it will nevertheless take heed of the strong findings of the committee and begin to take responsibility for the protection of animals for the first time. I thank the Hon. Mark

Pearson for chairing the committee, the committee staff and Hansard and everyone who made submissions and presented evidence. Although the Government may not have listened to the outcomes, rest assured that many other members in this place have heard their wishes.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of the report and the Government response.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of the Hon. Trevor Khan: I move:

That committee reports and Government responses order of the day No. 6 be postponed until the next sitting day.

Motion agreed to.

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Greg Donnelly: I move:

That committee reports and Government responses order of the day No. 7 be postponed until the next sitting day.

Motion agreed to.

The Hon. MARK BUTTIGIEG: On behalf of Ms Cate Faehrmann: I move:

That committee reports and Government responses order of the day No. 8 be postponed until the next sitting day.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Robert Borsak: I move:

That committee reports and Government responses order of the day No. 9 be postponed until the next sitting day.

Motion agreed to.

Committees

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

Debate resumed from 6 August 2020.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of report No. 2/57 of the Committee on the Independent Commission Against Corruption entitled *Review of the 2018-19 Annual Reports of the ICAC and the Inspector of the ICAC*.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Wes Fang: I move:

That committee reports and Government responses order of the day No. 11 be postponed until the next sitting day.

Motion agreed to.

Committees

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response

Debate resumed from 15 September 2020.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of the Government response to report No. 46 of the Standing Committee on State Development entitled *Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019*.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 2 - HEALTH**Report and Government Response****Debate on the report resumed from 16 September 2020.****Debate on the Government's response to the report resumed from 16 March 2021.**

Ms CATE FAEHRMANN (17:52): I speak to the report of Portfolio Committee No. 2 - Health entitled *Health impacts of exposure to poor levels of air quality resulting from bushfires and drought*, an important inquiry that was undertaken after the bushfires. We all remember the terrible bushfires and the loss of property, lives and wildlife. The other lasting memory and impact of those bushfires was the awful air pollution and the smoke that resulted. The inquiry heard from a range of experts about government advice and education if similar situations were to arise again. We know they will arise again because of climate change and because fires will become more frequent.

The Government's emergency response and its system to alert people about high air pollution levels needed to be better. We received harrowing evidence of people who had asthma attacks and who suffered other health conditions. We heard of rising admissions to emergency departments as a direct result of the air pollution, and we heard from the family of one woman with asthma who tragically died while reaching for her Ventolin. She was unable to get it and she passed away as a direct result of the air quality and the fact that she did not receive alerts as to how bad the air quality was going to be.

In this inquiry, as in other inquiries, it was disappointing that Government witnesses did not accept that they should have done better. We heard that a number of outdoor workers in Sydney, Canberra and on the South Coast were in the dark as to whether they should be working on those days when the air quality index reached extreme levels. We heard from unions and workers who were calling for more advice and more education about the mandatory levels at which workers should be instructed to down tools, go inside and not work during those times.

We heard evidence from Doctors for the Environment Australia and other health experts about the alarming science that if pregnant women are exposed to high bushfire smoke pollution levels it may not be safe for them or their foetuses. We heard evidence of potential early deliveries and of hospital admissions as a result of people struggling with respiratory conditions as well as an increase in deaths as a result of the awful air quality. When we talk about bushfires and the impact of climate change on people's health, we must look at the statistics relating to bushfires and to hospital admissions and we must add those statistics to the cost of climate change and bushfires.

We talk about lives and properties that are lost but hopefully in the future we will talk also about the impact of air quality on people's health. As a result of COVID, the population has become much more familiar with the wearing of masks. When we experience the next bushfires, which of course will be more frequent and more intense, I hope that we see more people wearing masks. During the inquiry we heard that the Government had been warned that the bushfires would cause the alarming and extreme air pollution that we saw. The inquiry heard that the Government was incredibly unprepared and it was not able to ensure that the community received those messages. It is not good enough to occasionally put messages on Twitter or to update public health orders. In fact I do not think public health orders were issued in relation to bushfire smoke.

The most compelling evidence and recommendations were around the fact that the Government must look at the ways in which it alerts people to this incredibly dangerous and worrying increase in polluting levels of air quality as a result of bushfires, and hopefully that is taken on board. Many people bought air filters, for example. Many people downloaded those air-quality apps. But a lot of people did not have information that others were privy to. The inquiry heard that people were working every day in those extreme, hazardous conditions. The recommendations were solid but we could have gone further. We could have extended that committee inquiry and held more hearings to delve more broadly into the issue of air quality. However, I commend the recommendations that the committee made to the House. I thank the chair of that committee, the Hon. Greg Donnelly, for putting together the draft report.

Debate adjourned.

REGULATION COMMITTEE**Report and Government Response****Debate on the report resumed from 22 September 2020.****Debate on the Government's response to the report resumed from 23 March 2021.**

The Hon. MICK VEITCH (18:01): The sessional order that allows for a take-note debate on both a committee report and the Government's response to that report was introduced after my initial contribution to debate on the report in September 2020. As such, today I take note of both the committee report and the Government's response to the report of the Regulation Committee inquiry, entitled *Impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020*.

This inquiry was one of the early exercises of the Regulation Committee. A disallowance motion was moved in the House and the Regulation Committee looked at what the impact and implementation of the regulation would look like. That meant that the disallowance motion was set aside until such time as the committee went away and conducted its work. The report has come back and subsequently the disallowance motion has been dealt with in the House. The end result is a Government response six months later, but the disallowance motion was upheld in the House to disallow the regulation. There has been another iteration of that particular regulation. It has taken a while to take note of this committee report. The English cricket team would like to have a batting list as long as the committee report list after their performance against New Zealand the other day.

A lot of the information that is contained in the report—not all of it, but a lot of it—could be considered for the new regulation that has been put forward by the Minister. I will say a few things about the way the committee went about its work. First of all, each of the committee members conducted themselves in a manner befitting a member of this House. They went about the work of looking at the implementation and impact of the regulation in a very professional manner. The deliberations of the committee were slightly unsettled because of the advent of the pandemic and we became accustomed to the Parliament's Webex arrangements. As someone who chaired a meeting in the early days of the Webex arrangements, it was difficult with the signal cutting in and out. Committee members determined that they would undertake a site visit. The Hon. Sam Faraway tried to create the opportunity for us to undertake that site visit but it was curtailed because of the pandemic.

I thank the irrigators for putting together their own version of a site visit, which was held virtually. It was quite well received. The department provided us with a briefing—which was also well received by committee members—essentially because this is a complicated and complex area of public policy. I do not think there is anyone in the Chamber, nor an elected member in this building, who is completely and honestly across all water policy as it pertains to New South Wales and Australia. It is quite a detailed area of public policy. I extend my appreciation to all of those who assisted the committee in its work and in acquiring the knowledge to ensure that committee members could ask questions that sounded informed and as though we knew what we were talking about. Given the Webex arrangements, as the chair I take my hat off to Hansard. As trying as it was for the members, it must have been exceptionally difficult for Hansard to prepare a transcript, given the buffering and the feed cutting in and out. Hansard did a cracking job. Well done.

I thank the secretariat. In this particular case, we began the journey before COVID and then we were interrupted by COVID, so we had to recreate our timetable. I thank the committee secretariat for operating under difficult times. I also thank the members of the committee. As I said, this is a complicated, complex area. Committee members applied themselves to the exercise quite well. For the benefit of honourable members, the Regulation Committee has not always been a feature of this Chamber. The Hon. Scott Farlow and I were members of the committee into committees—only the upper House of the New South Wales Parliament could come up with a beast that is the committee into committees—which held an inquiry into the committee system. All members should go and read that report. That committee recommended something of the nature of the Regulation Committee, which is evolving and maturing in its practice.

The purpose of the Regulation Committee is to look into matters just like this. If an honourable member of the House moves a disallowance motion, not all disallowance motions will go to the committee, but those that are very similar to this head off for a short, sharp inquiry—though COVID made sure that this inquiry was longer rather than shorter. The end result was that debate on the disallowance motion in this Chamber was much more informed because honourable members could refer to the report. That enhanced the arrangements of the House of review, hence I am a strong advocate for the role that the Regulation Committee is playing in this term of Parliament. That is a feature of the committee system that should be retained and we should continue to look at how it can better inform honourable members. There have been two iterations of the disallowance motion. This report informed the first disallowance motion. I thank all honourable members for their contributions, I thank the House for the way in which the report was used in debate on the disallowance motion, I thank the committee secretariat and I thank Hansard for its miraculous activities in very trying times.

I draw to the attention of members the new feature in this take-note debate. As well as considering this report, members are also considering the Government's response to the report at the same time. That is a new part of the sessional orders. I support that in itself, as it is a good way of doing it. I draw honourable members' attention to the Government's response to the report. I commend to the House both the report and the Government's response to the report.

The Hon. SCOTT FARLOW (18:08): I contribute to debate on the report. I commend the Hon. Mick Veitch for his chairing of the committee in difficult times. As a member of the committee, I must say that we had already planned our trips to Moree. We had those visits in our diaries. I commend the community groups and the committee secretariat staff for putting together a virtual site visit to give someone like me, who had not been to the area, an idea of what we were talking about in terms of the water issues and the onsite irrigation issues that were occurring. For the community and the irrigators of the northern region to put that together was really commendable. They did a fantastic job of explaining the situation and what we were actually looking at. Some of the Legislative Council committees are straightforward, where members sit in the Macquarie Room and can comprehend absolutely everything without any problem at all. However, this committee required members to be on the ground to acquire an understanding of what the committee was inquiring into.

Unfortunately, because of COVID and even as great as the endeavours were, the virtual site visit did not give us a complete understanding as we would have had from an on-the-ground site visit. At that stage, the way that COVID had impacted travel, particularly flight schedules, made it impossible for the committee to travel to Moree. I think the planned site visit was to include a visit to southern irrigators because the issue turned into—and perhaps it should not have—very much a north-south issue when it came to irrigation. I commend the committee secretariat and the chair, the Hon. Mick Veitch, for their foresight in arranging a virtual site visit to give committee members some understanding of the on-the-ground impacts, which could not be relayed solely through conversations or through submissions or evidence to the committee. By no means is it an ideal way to conduct an inquiry, but it was better than anything else that we could have done at that time. I again commend the Hon. Mick Veitch for organising the virtual site visit.

I share the view held by the Hon. Mick Veitch with respect to the Regulation Committee and its important role of informing this House. It was one of the recommendations of the committee on committees and it continues to play a valuable role. The Regulation Committee held hearings yesterday—and I am sure there will be others in the future—into the disallowance of mechanisms of State environmental planning policies and whether they should be disallowable instruments. Regulations do not necessarily get many people excited—I think the Hon. Mick Veitch and I might be the only members of the House who are interested in regulatory issues and the ideological discussion around the role of regulations in Executive Government—but I commend the committee for the role it plays. The ambit of the committee as chaired by the Hon. Mick Veitch is to view matters in a non-political manner while ventilating the issues to better inform the House. I commend the Hon. Mick Veitch for his role in this regard.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of the report and the Government response.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of the Hon. Robert Borsak: I move:

That committee reports and Government responses order of the day No. 15 be postponed until the next sitting day.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Mark Banasiak: I move:

That committee reports and Government responses order of the day No. 16 be postponed until the next sitting day.

Motion agreed to.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Reports

Debate resumed from 24 September 2020.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of report No. 2/57 of the Committee on Children and Young People entitled *2020 Review of the Annual Reports and other matters of the Office of the Children's Guardian*.

Motion agreed to.

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

The Hon. ANTHONY D'ADAM: On behalf of the Hon. Peter Primrose: I move:

That committee reports and Government responses order of the day No. 18 be postponed until the next sitting day.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES**Reports**

Debate resumed from 15 October 2020.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of report No. 57 of the Standing Committee on Social Issues entitled *State Records Act 1998 and the Policy Paper on its review*.

Motion agreed to.

REGULATION COMMITTEE**Report and Government Response**

Debate on the report resumed from 22 October 2020.

Debate on the Government's response to the report resumed from 24 March 2021.

The Hon. MICK VEITCH (18:15): Today I take note of both the committee report entitled *Making of delegated legislation in New South Wales* and the Government's response to it. I am pleased to participate in this debate. This report represents an evolution of the role of the Regulation Committee. Rather than the committee only examining motions for disallowance of regulations, it has ventured into a new area. This report is one for the nerds. The committee examined delegated legislation in New South Wales, how it is created and how it is treated, as well as what it means not only for this House of review but also for the people of New South Wales. We had a list of witnesses who came to Parliament to provide testimony but what was unique was that we had testimony on oath provided by the Parliamentary Counsel. That does not happen very often. In fact, it is such a rare occurrence that among all of the committees of this House, I think the Standing Committee on Law and Justice, which is chaired by the Hon. Wes Fang, is the most likely to require the attendance of Parliamentary Counsel. The Parliamentary Counsel representatives provided very good testimony for the committee in relation to this inquiry.

Arising from the inquiry, the committee put forward a recommendation that the Attorney General approach the Law Reform Commission for it to take a closer look at the making of delegated legislation in New South Wales and to acquaint the commission with a range of suggestions by the Regulation Committee arising from its deliberations. The Government's response to this report indicates that the Attorney General will not be taking that approach. However, I understand the reasons. I had a discussion with the Attorney General and discovered that it was more about managing the workload of the Law Reform Commission rather than an unwillingness on the part of the Government to take that approach. I appreciate that. We may examine other ways of undertaking this work. However, arising from the inquiry, the House has picked up some of the recommendations from the committee's report. One was that the Regulation Committee would be able to look more broadly at instruments, not just regulations but also State environmental planning policies [SEPPs]. For example, as the Hon. Scott Farlow said earlier, the Regulation Committee is currently undertaking a SEPP inquiry.

The other thing that is unusual about the inquiry by the Regulation Committee is that it has stepped into the area of policy as opposed to the actions of the Executive Government. That is an important new facet of the role of the committee. Another recommendation made by the committee and endorsed by the House is that the committee now has the capacity for self-referral. The sessional orders have been amended as a result of the inquiry to provide for self-referral. The first time the committee exercised that right is its inquiry into the SEPPs. The SEPP inquiry picks up on two new elements in the adjustment to the operation of the Regulation Committee: First, the committee can look more broadly at matters beyond regulations and, second, the committee can self-refer. The current inquiry is the result of the committee's work. The committee is eager to enhance its role and improve the information that is provided to honourable members so that they can better exercise their role in the House of review. A critical element of the committee structure is the Regulation Committee and the work it undertakes.

For this inquiry, I extend my appreciation to the committee secretariat. We had a number of meetings about this inquiry because we were venturing into new ground; we were on new turf. There were a number of conversations about where I, as the chair, would like to take this particular inquiry. As the Hon. Scott Farlow said in a previous debate, my approach was not to divide the committee and run a politically partisan inquiry but rather

to engage everyone and pick up everyone's views. I did not create the report on my own. I worked with committee members and asked for their input. All committee members had a chance to have their say, and wherever we could we accommodated those views. The committee secretariat did an outstanding job in pulling all that together to create a very good report.

I urge honourable members, even though they will not participate in this debate, to reflect upon the work of the committee. I think it is a body of work that will be looked upon not just in this jurisdiction but in other jurisdictions as well because for the first time we had an intense look at the delegated legislation arrangements in New South Wales. Associate Professor Neudorf, who gave testimony in another inquiry yesterday, provided excellent testimony during this inquiry as well. I extend my appreciation to the committee secretariat—they did a cracking job—and Hansard, who again made us all look fantastic. Our questions always read wonderfully well in the transcript. I watch and listen during the hearing and think, "Wow, I don't think that came out quite the way I meant it to." The next day I read it and I sound superb. We owe Hansard a debt of gratitude; they make us look good.

The real winners in this inquiry were the witnesses we engaged with. For some of them, it was a new experience to come to the Parliament and provide testimony in an environment that was not party political. We went about the work in a comfortable way. Honourable members should read the report and the Government response because changes have been made that arose from the report. It was a very good committee. I thank all honourable members who participated in this inquiry. The committee's make-up of four Government members, two Opposition members and two crossbench members means the numbers are quite equal. For some chairs, that may be an uncomfortable position to be put in. I quite like these sorts of inquiries because we open it up and members can explore the topic if they want to, and that is what we should do. I commend the report and I thank all participants for their involvement.

The Hon. SCOTT FARLOW (18:22): I speak on the Regulation Committee's report. I note that in terms of the four-four dynamic, when the Regulation Committee started we tried for the Hon. Ben Franklin to become the deputy chair but unfortunately we ended up in a stalemate and we relented at the time, I think.

The Hon. Ben Franklin: I thought I might have got the Hon. Robert Borsak but it didn't happen.

The Hon. SCOTT FARLOW: Yes, it did not happen. I think the Hon. Ben Franklin has had a little more interest in the committee than the Hon. Robert Borsak has, but that is fine. The Hon. Mick Veitch raised commentary that was provided by Associate Professor Neudorf. One of the points the member raised about this inquiry, and which is why I think the Regulation Committee is so important, is that members of this House spend a lot of time considering legislation, which is what this House is for.

But if we look at the statistics—and this comes from Associate Professor Neudorf—of the 437 enactments published on the NSW Legislation website in 2019, 6 per cent, or 25 enactments, were pieces of primary legislation enacted by Parliament while 94 per cent, or 412 enactments, were regulations. Then if we look at the 3,470 pieces of legislative text enacted in New South Wales, 13 per cent, or 462 pages, were in primary legislation while 87 per cent, or 3,008 pages, were in delegated legislation. That shows the importance of regulations and how they are used in many ways as a primary source of authority in New South Wales, and that is why it is important for us to provide proper scrutiny of regulations.

The Hon. Mick Veitch talked about the Crown Solicitor's Office and its commentary to the committee. One would think in a sense that maybe that the use of regulations would be something the Crown Solicitor's Office would like. But I think what we got was a very firm view from the Crown Solicitor's Office that it was not necessarily something it relished in implementing. However, it was definitely viewed by departments in particular as a favourable means of enacting provisions in New South Wales. The Crown Solicitor's Office also turned the committee's attention to the processes in place in Queensland and the explanatory statements that are provided in Queensland, which I thought was quite a useful tool.

While the Crown Solicitor's Office was not necessarily trying to push the committee in any direction, it certainly gave the committee food for thought and I think the committee was very interested in exploring. As the Hon. Mick Veitch quite rightly points out, it was something that I think the Attorney General was interested in exploring. There are, of course, certain constraints on the Law Reform Commission, which the Attorney General outlined to both the Hon. Mick Veitch and me, in terms of its workload and why looking at regulations probably would not be a priority for that commission. But certain recommendations have been enacted by this House, and I am sure the commission will have more of a role to play when it comes to scrutiny of regulations.

When the Regulation Committee was set up, we envisaged two purposes. One was to look at individual regulations and their impact. We have gone through one of those regulations with floodplain harvesting and why that has been so important. The other purpose was to look at the broader themes around regulation and delegated

legislation and the broader policy considerations when it comes to regulations. This committee inquiry certainly fulfilled that purpose. As the Hon. Mick Veitch said, it was one for the nerds. In the first iteration of the Regulation Committee, which I chaired, we never got around to doing that. I commend the Hon. Mick Veitch. We had only 12 months to do it and it was very much in the pilot stage. We did not want to scare the horses too much, which is why we looked at a few issues that were not so controversial. One was controversial, which was cemeteries and crematoria and renewable interment rights, and that continues to be an issue. We certainly intended to look at the broader thematic issues, and I commend the Hon. Mick Veitch for bringing on this inquiry to look at those broader thematic issues. I am sure he has other ones in his head that he may prompt us to look into in the future.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that the House take note of the report and the Government response.

Motion agreed to.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Reports

Debate resumed from 10 November 2020.

The Hon. LOU AMATO (18:27): I speak to report No. 1/57 of the Committee on the Health Care Complaints Commission entitled *Review of the Health Care Complaints Commission's 2017-18 and 2018-19 annual reports* and tabled on 10 November 2020. Firstly, I thank the members of the Committee on the Health Care Complaints Commission, the secretariat and all those who contributed to this important work. Maintaining a world-class health system is a government's highest priority. Health systems are in a constant state of flux as medical practice evolves with technological advancement and changes in disease pathology. The advent of COVID-19 has been an example of a rapid change in health service delivery in New South Wales. No system is perfect and the Health Care Complaints Commission is an indispensable tool in monitoring our healthcare system's ability to provide the very best medical services and its ability to adapt with ever-changing environments.

The Health Care Complaints Commission, an independent body established under the Health Care Complaints Act, is committed to protecting public health and safety by investigating complaints about health service providers in New South Wales. The commission achieves that objective by assessing complaints received from stakeholders relating to health service providers in New South Wales, providing assistance in the resolution of complaints, investigating serious complaints that raise questions about public health and safety, and prosecuting serious complaints. The role of the committee is to review the functions of the commission as set out in part 4 of the Health Care Complaints Act 1993. Under section 65 of the Act, the functions of the committee are:

- (a) to monitor and to review the exercise by the Commission of the Commission's functions under this or any other Act,
...
to monitor and review the exercise of functions by the Health Conciliation Registry,
- (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or connected with the exercise of the Commission's functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed,
- (c) to examine each annual and other report made by the Commission, and presented to Parliament, under this or any other Act and to report to both Houses of Parliament on any matter appearing in, or arising out of, any such report,
- (d) to report to both Houses of Parliament any change that the Joint Committee considers desirable to the functions, structures and procedures of the Commission,
- (e) to inquire into any question in connection with the Joint Committee's functions which is referred to it by both Houses of Parliament, and to report to both Houses on that question.

Debate adjourned.

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

Bills

BUILDING LEGISLATION AMENDMENT BILL 2021

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: According to sessional order, I declare the bill to be an urgent bill.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

LAW ENFORCEMENT CONDUCT COMMISSION AMENDMENT (COMMISSIONERS) BILL 2021

Second Reading Debate

Debate resumed from an earlier hour.

Mr DAVID SHOEBRIDGE (20:04): I continue my contribution to the second reading debate on the Law Enforcement Conduct Commission Amendment (Commissioners) Bill 2021, which may be a shortcut to some of the discussion we have at the Committee stage, if that is amenable to the House. I indicate that at the Committee stage The Greens will move two key amendments to the bill. Both of them come from recommendations in the report of the inquiry into the excessive over-representation of First Nations people and others in our prisons. In that inquiry the Hon. Adam Searle, the Hon. Trevor Khan and others, including representatives from across the spectrum, agreed on a series of unanimous recommendations about ensuring that we had genuinely independent oversight of deaths in custody.

Remarkably, at the moment if there is a death in police custody, including in the back of a police wagon on the way to a prison—at any point along that route before arriving at the prison and being transferred from police custody to prison custody—there is independent oversight by the Law Enforcement Conduct Commission but not if the death happens a millisecond after the person is transferred into prison custody. The investigation is then done by a mixture of Corrective Services and police without any independent oversight at all. I thank the committee for its engagement on that issue, for looking at the evidence and beyond the usual politics to come to an unanimous recommendation that that cannot be a way forward and that we must have independent oversight of deaths in custody. We all cast around to work out what the best model would be.

Groups such as Jumbunna and the Aboriginal Legal Service came forward and said that they wanted and supported a First Nations-led oversight so that if there is a death of a First Nations person in custody it should be investigated and oversighted by a First Nations organisation. That was an extremely hard call to get political consensus on because it was going to create an entirely new oversight agency and a whole set of new management provisions. It was a very difficult call. I acknowledge and respect that call but I understand fully why First Nations people say they want an independent First Nations body to oversee deaths in custody. I hope that at some point we can get to that but we were simply not going to get to that through a political consensus that would see us legislate for that in this parliamentary term.

The committee then cast around to ask, What should be the body that oversights deaths in custody? The position we came to, after much discussion, was that the best practical body was the Law Enforcement Conduct Commission. One of the amendments we will move at the Committee stage is to make the Law Enforcement Conduct Commission the oversight body for deaths in custody. That is not to exclude coronial oversight but to say that from the initial moment that a death in custody occurs, independent officers from the Law Enforcement Conduct Commission will take the lead on the investigation to secure the evidence and provide an immediate independent oversight of every death in custody. That is a way of trying to re-establish that fundamentally broken trust, in particular between First Nations people and the current criminal justice and coronial systems when it comes to oversighting deaths in custody.

Another amendment we will move is to effectively replace, instead of removing, the third commissioner with a First Nations commissioner. There was much discussion in the committee about this. The recommendation ended up being open as to the role the First Nations person should have in the Law Enforcement Conduct Commission if the commission was granted the oversight of all deaths in custody. The Greens believe that if we move to the model of the Law Enforcement Conduct Commission, we must have somebody with the status of a commissioner who comes from First Nations communities to ensure that it is culturally safe and that they understand the particular issues that come from First Nations communities. Having a First Nations commissioner is essential, given that such a grossly disproportionate amount of police activity and deaths in custody occur with First Nations peoples. Having made those contributions in the second reading debate, I hope that speeds up the discussion at the committee stage. I will aim to refer to those contributions at the committee stage when we get to it.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:10): In reply: I thank honourable members for their contributions to debate on the Law Enforcement Conduct Commission Amendment (Commissioners) Bill. The bill ensures that the Law Enforcement Conduct Commission [LECC] is a fit-for-purpose organisation. It also reflects its operational experience to date. The office of the Commissioner for Oversight has been vacant since 15 January 2020. When the term of then chief commissioner, the Hon. Michael Adams, QC, expired on 31 January 2020, the Hon. Reginald Blanch, AM, QC was appointed as the acting chief commissioner of the LECC for six months. Section 18 (2) of the Law Enforcement and Conduct Commission Act provides that the Commissioner for Oversight may only be appointed with the concurrence of the chief commissioner. Given this, the Government intended at that time to have a new Commissioner for Oversight appointed once an ongoing chief commissioner had been appointed and could be consulted on the proposed nominee.

By the time Chief Commissioner Blanch was appointed on an ongoing basis in August 2020, evidence was emerging that the LECC was working well with two commissioners and there was support from the LECC itself to maintain that model. The statutory review tabled on 11 May 2021 confirmed this view and ultimately recommended that the Act be amended to remove the office of Commissioner for Oversight from the commission. The Government has introduced the bill in recognition of the successful operation of the LECC with only two commissioners and the feedback received during the statutory review process that this is the most desirable structure for the commission moving forward.

I acknowledge the recent report of the Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody handed down in April this year. The report raises serious and significant matters for the Government's consideration. The Government is currently considering its response. Of the 39 recommendations made, a number relate to the appropriateness of current oversight arrangements and the evidence that the committee received from a range of stakeholders about various options for improving or expanding investigative or oversight functions on an existing or new body, including the Coroner, the Ombudsman and the Law Enforcement Conduct Commission. The Government notes that the select committee has made recommendations that the LECC be conferred with this important role.

Recommendation 35 is that the Government expand the functions of the LECC to undertake full investigations into deaths in custody. Recommendation 36 is that the Government amend the LECC Act to include a senior statutory First Nations position to undertake engagement across the organisation, to review policies and casework and to ensure that it is generally approachable and culturally safe. Importantly, this bill regarding the composition of the LECC does not impede any future decision being made concerning the LECC's jurisdiction and its composition. However, any such decision to confer this function on the LECC, or on any other body for that matter, needs to be made in an orderly and timely fashion and it needs to take place ensuring there is consultation with other affected stakeholders.

Given the breadth of recommendations by the select committee barely more than six weeks ago, the Government needs time to carefully consider the report in totality before making a final decision on any particular aspect of its recommendations. In the meantime, this bill ensures that the LECC remains a fit-for-purpose organisation with a structure that best enables it to deliver on its statutory mandate in overseeing law enforcement in New South Wales. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments: The Greens amendments appearing on sheet c2021-062B and Opposition amendments appearing on sheet c2021-040G. We will proceed with The Greens amendments first.

Mr DAVID SHOEBRIDGE (20:17): By leave: I move The Greens amendments Nos 1 to 7 on sheet c2021-062B in globo:

No. 1 **Definition of "Commissioner"**

Page 3, Schedule 1[1], line 5. Insert ", First Nations Commissioner" after "Chief Commissioner".

No. 2 **Definitions of "Aboriginal person", "First Nations Commissioner" and "other Commissioner"**

Page 3, Schedule 1. Insert after line 6—

[1A] **Section 4(1)**

Insert in alphabetical order—

Aboriginal person means a person who—

- (a) is a member of the Aboriginal race of Australia, and
- (b) identifies as an Aboriginal person, and
- (c) is accepted by the Aboriginal community as an Aboriginal person.

First Nations Commissioner means the First Nations Commissioner appointed under section 18.

other Commissioner—see section 18.

No. 3 First Nations Commissioner—appointment

Page 3, Schedule 1[3], lines 12–15. Omit all words on those lines. Insert instead—

- (1) The Commission consists of the following members appointed by the Governor—
 - (a) a Chief Commissioner,
 - (b) a Commissioner (the *other Commissioner*),
 - (c) a First Nations Commissioner.
- (2) The other Commissioner and the First Nations Commissioner may only be appointed with the concurrence of the Chief Commissioner.

No. 4 First Nations Commissioner—police officers not eligible

Page 3, Schedule 1[4], lines 18 and 19. Omit "or to act in that office". Insert instead "or the First Nations Commissioner, or to act in those offices,".

No. 5 First Nations Commissioner may authorise certain decisions

Page 3, Schedule 1[5], line 22. Insert "or the First Nations Commissioner" after "Commissioner".

No. 6 First Nations Commissioner—functions

Page 3, Schedule 1. Insert after line 29—

[7A] Section 25A

Insert after section 25—

25A Functions of First Nations Commissioner

- (1) Without limiting the functions conferred or imposed on the Commission by or under this or another Act, the functions of the First Nations Commissioner are as follows—
 - (a) to assist the Commission in providing independent oversight, monitoring, investigation and review of all matters involving Aboriginal people, including general policy matters,
 - (b) to make the Commission culturally safe for Aboriginal people.
- (2) Any act, matter or thing done under this section in the name of, or on behalf of, the Commission by the First Nations Commissioner is taken to have been done by the Commission.

No. 7 Commission's investigation powers—deaths in custody

Page 3, Schedule 1. Insert after line 36—

[8A] Section 51A

Insert after section 51—

51A Exercise of investigation powers concerning deaths in custody

- (1) The Commission may exercise its investigation powers under this Part in relation to the death or suspected death of a person in custody in the circumstances referred to in the *Coroners Act 2009*, section 23(1) (a *death in custody*).
- (2) Powers may be exercised under this section whether or not an inquest is held under the *Coroners Act 2009*, Part 3.2 in relation to the death in custody.
- (3) Nothing in this section modifies or otherwise affects the exercise of the Commission's functions under Part 8 in relation to the oversight of critical incident investigations.

I spoke to this issue in the second reading debate, so I will not speak at length at this point, but I note that these amendments together would put in place in the Law Enforcement Conduct Commission a First Nations commissioner. That First Nations commissioner would be an Aboriginal person, being a person who is Aboriginal, who identifies as Aboriginal and who is accepted by the Aboriginal community as an Aboriginal person—the three-point test that has been accepted in many other legislative arrangements and in many First Nations communities across the country.

It would also then provide that the First Nations commissioner would, without limiting the functions conferred upon them, be coequal with the other commissioner but not the chief commissioner and have the functions to assist the commission in providing independent oversight, monitoring, investigation and review of all matters involving Aboriginal people, including general policy matters, and to make the commission culturally safe for Aboriginal people. One thing we have heard—not just in the inquiry but whenever we engage with First Nations peoples—is that First Nations peoples do not feel that the police, the court systems and, in fact, this Parliament are culturally safe for them. They feel that the Parliament is not legislating or acting in their interests. Providing a First Nations commissioner would be a powerful step in that direction in relation to the Law Enforcement Conduct Commission.

Amendment No. 7 on sheet c2021-062B provides that the commission may exercise its investigative powers in relation to the death or suspected death of a person in custody, and it refers to the circumstances set out in section 23 (1) of the Coroners Act 2009, which has a broad definition of police custody that includes from the commencement of police operations all the way through to formalised custody in jail. I will not repeat section 23 of the Act. The amendment makes it clear that those powers may be exercised whether or not an inquest is being held under the Coroners Act, and it also expressly retains the structure of part 8 of the LECC Act, which relates to the oversight of police critical incidents. The amendment does not seek to undermine the compromise that we have reached in relation to part 8 of the Act for the oversight of critical incidents involving police conduct, though I was tempted to unpick that compromise.

I can predict the arguments that will be made by both the Government and the Opposition. We heard them in part during the Minister's second reading speech: it has been only six weeks since the recommendations were handed down; they need to be digested and considered in the fullness of time; there is six months to respond to that report and we should be patient. But there have now been more than seven deaths in custody in the first half of this year, and unfortunately the majority of those were in New South Wales. This is a genuine crisis. We should see it and respond to it as a genuine crisis. We should be legislating as though it is a crisis. The Greens do not think it is okay to simply say, "in the usual time frame", "in the fullness of time" or "six months is okay". We move those amendments in the hope that the rest of the House sees this as a crisis and legislates as though it is a crisis. We say if not now, when? With those contributions, I commend the amendments to the House.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:22): The Government will not be supporting The Greens amendments. However, first of all, as the member just said, those seven deaths must be taken very seriously and that situation could well be described as a crisis. But a quick decision is not always a good decision. The Greens amendments do two things. First, they provide that the Law Enforcement Conduct Commission [LECC] may exercise its investigative functions under part 6 of the LECC Act in relation to the death or suspected death of a person in custody in the circumstances referred to in section 23 (1) (a) of the Coroners Act, that the person was in the custody of a police officer or in other lawful custody.

Secondly, the amendments insert provisions for a statutory First Nations commissioner to become a member of the commission. The functions of the First Nations commissioner would be to provide independent oversight, monitoring, investigation and review of all matters involving Aboriginal people, including general policy matters, and to make the commission "culturally safe for Aboriginal people", to use the member's words. While the Government acknowledges the sincere intent behind the amendments, indeed, as the member anticipated, it is premature to propose those amendments in circumstances where the Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody only handed down its report in April this year.

That report makes 39 recommendations, which the Government will respond to, as it should. Of those recommendations, a number relate to the appropriateness of current oversight arrangements and the evidence the committee received from a range of stakeholders about various options for improving or expanding investigative or oversight functions on an existing or new body, including the Coroner, the Ombudsman and the LECC. The Government notes that the select committee has made recommendations that the LECC be conferred with this important role. The Government also notes that the select committee recommended that the Government amend the LECC Act to include a senior statutory First Nations position. That person in that position would undertake engagement across the organisation and review policies and casework.

Given the breadth of recommendations made by the committee, the Government is going to carefully consider the report in totality before making a decision on any particular aspect. This includes consideration of the alternative investigative and oversight options considered by the committee, noting the Hon. Adam Searle's acknowledgement in his contribution to the debate that the LECC was not the committee's first choice. That is particularly so, given a recommendation as complex as selecting and conferring new investigative and oversight functions for deaths in custody on an existing body such as the LECC. For example, the LECC already has

jurisdiction to monitor critical incidents investigations and the amendment does not appear to extend its jurisdiction to deaths in adult or youth detention centres. It is therefore unclear what is achieved by the proposed amendment. This provides a clear example of why such a proposal needs to be carefully considered and not rushed and should be the subject of detailed examination and consideration.

We all know that this is an incredibly sensitive issue and it has been for a long time—indeed, too long a time—but it is also very complex. We need to consider some of the other factors that led to Aboriginal deaths in custody and how suitable the option that is being proposed is to examine the causes of the extraordinarily unsatisfactory rate of incarceration. I will remind the House with a brief overview of some of the issues that came from the report of the State Coroner into First Nations people's deaths in custody in New South Wales between 2008 and 2018. Key figures worth noting include that 79 per cent of the First Nations people who died in custody had a history of mental health issues when they died. Over 76 per cent of the people who died in custody presented with alcohol and/or other drug use at the time of or proximate to their death.

Eighty-four per cent of the First Nations people who died in custody first had contact with the criminal justice system before they were 18 years old. In almost half of these cases, it was even before they were 15 years old. In fact, it was a key finding of the Royal Commission into Aboriginal Deaths in Custody that First Nations people have had a disproportionate contact with the criminal justice system frequently for minor offences and from a young age. To further quote from the Coroner's report, 91 per cent of the First Nations people who died in custody were male and 56 per cent of the First Nations people who died in custody died due to natural causes. All of those observations, which are a frightening but very real picture, show the complexity of the issue.

The issue of deaths in custody is far more complex than interactions between those Aboriginal people incarcerated and the actions of the police or the custodial system. We always need to bear that in mind. We also need to remember the impact of intergenerational trauma, which was noted in the Coroner's report. But that of course cannot be quantified. Narrowly and exclusively focusing on the conduct of law enforcement when investigating deaths in custody is problematic. A whole range of other contributing factors cannot be ignored and it is preferable that deaths in custody be examined holistically. I also have some concerns about cherry-picking just two recommendations. I understand the honourable member has taken this opportunity to advance an issue he is sincerely concerned about. However, that does not mean it is necessarily appropriate to proceed in that direction at the moment.

The Government is particularly concerned that the proposal could also potentially impact the operation of other bodies, such as the Coroner, the Ombudsman and the Inspector of Custodial Services. The Government notes it is not ideal that additional responsibilities be bestowed on one body without clarifying the responsibilities of other bodies with comparable functions. By saying that, I do not intend any criticism because obviously, based on the earlier comments of the Hon. Adam Searle, we are proceeding to deal with this quickly. But he will understand why if the Government were to contemplate supporting his amendments, we would have to have very detailed discussions with those officers before even considering supporting them. That is why the Government will not be supporting them.

I conclude by saying that consultation with affected bodies is absolutely desirable to ensure that the amendments are effective for achieving the desired outcome. With the best will in the world, I doubt whether we would achieve that outcome if we were to proceed to do that tonight. But I give an undertaking to the honourable member that the Government takes this issue very seriously because not only is it an important problem in its own right but also it is a key part of the whole equation of Closing the Gap. The Government is absolutely committed to the 10-year Closing the Gap process and there are key priorities under Closing the Gap relating to incarceration. The Government is taking the matter very seriously. In terms of the recommendation that the Law Enforcement Conduct Commission have this role in the future, that will be given serious consideration over the next few weeks. It will be one or two months before we come back to Parliament, at which time we can have a further discussion about it. However, my strong advice to the Committee is that the amendment should not be passed tonight.

The Hon. ADAM SEARLE (20:31): The Opposition will not be supporting The Greens amendments, as I outlined in my contribution to the second reading debate. In relation to amendments Nos 1 to 6, while I have great sympathy for them because they are inspired by the report of the inquiry I chaired, nevertheless, to embark upon framing how to implement these recommendations, we would need to take other steps also recommended in the report of proper consultation to make sure that the structure of such things would meet the needs of First Nations people and would provide a net positive impact. I do not doubt that it would, but we have to put the horse before the cart. We have to undertake consultation to make sure that the framing is done correctly.

In relation to The Greens amendment No. 7, I drafted one that was not entirely similar but the point is that, as tempting as it is to add this, I think we are at a delicate juncture. During that committee inquiry there was enormous goodwill across party lines. The amendment concerning the extension of the jurisdiction of the Law Enforcement Conduct Commission [LECC] had the support of every single committee member. But not

everyone was thrilled about that. I recognise the concerns that have been expressed historically by the Public Service Association. There are issues about whether the LECC is the right body. The committee felt that it was the best placed body of those in existence with a role in this space. But, if I recall our report correctly, our preference would have been for an improved and properly calibrated and resourced Coroner's Court. We chose the LECC because we think the reform of the Coroners Court is a longer-term process; it is not just one of resourcing. The Coroners Court has apparently not been properly reviewed since 1975—although we have remedied that with a review underway as we speak under the repurposed committee.

But, again, we want to give the Government the space to consider the report as a whole. We hope that it will positively embrace those recommendations made without partisan basis so that we can have a set of reforms that every colour and stripe in this place can get behind to improve the experiences of First Nations people. We say to the Government that we will give it this period of grace. We earnestly beseech it to embrace the report in the spirit in which it was made. But if it does not, we will revisit this space and we will be resolved to act. As I have indicated, my party has resolved to develop its own legislation in this area should it be necessary. So we will not be supporting these amendments at this time but it is not because we do not draw our inspiration from the same source or support the spirit of them.

The Hon. ROD ROBERTS (20:35): One Nation will not be supporting the amendments at this point in time. I have spoken to the member who has proposed the amendments. Like the Chair, the Hon. Trevor Khan, the Hon. Adam Searle and Mr David Shoebridge, I too was on that committee. Mr David Shoebridge is entirely correct in saying that there is bipartisan support for change. However, our position is that the Government needs to be afforded time to consider the report and to come back with a considered response. I heard the words of the Leader of the Government tonight and I acknowledge the sincerity with which he spoke. I believe the most appropriate course of action is to allow the Government to, as I say, consider its actions. If it does not, as Mr Searle has said, we will hold them to account.

Mr DAVID SHOEBRIDGE (20:36): I thank all members for their contributions. We would like to see these amendments succeed tonight because we think it is a crisis. We want to legislate and act as though it is a crisis. I accept that the contributions from each member have been made from genuine positions and seek to come to a resolution that understands that First Nations peoples have been excluded from the current oversight. We all acknowledge that there are far too many—an obscenely excessive number—of First Nations deaths in our jails and in the criminal justice system and that the current system needs to reform.

We may all have different views about some of the tensions and other things in the criminal justice system. I know we do. I have been here for some time and I have seen that. But where we got to with that inquiry was not due to our collective wisdom but because we actually listened to the representations that came to us from First Nations peoples, law reform bodies, people like Karly Warner from the Aboriginal Legal Service and people who have lived experience in the system. They said it is not working. They said it is not fair for First Nations peoples in particular and there needs to be independent oversight.

So if not tonight—I am sorry it is not tonight—can we again commit collectively to work this through across politics? The Hon. Rod Roberts said it was bipartisan. Actually, I think it is multi-partisan. That is how we are going to get there. I do genuinely think that in this space it needs to be multi-partisan. We need to get there before the end of this year. I heard the Minister say "weeks or months". We will hold him to that. There is no reason to let the clock tick for six months on this inquiry and these recommendations. It is a crisis. I understand that the Government does not work at a click of the fingers. We accept that but it is a crisis. Responding to it as a crisis in weeks or a small number of months is something we will be looking to hold the Minister to. I accept that what he put forward was in good faith. I hope that we get the result we need. I commend the amendments. I know they are not going to succeed tonight but we must treat it like a crisis.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 1 to 7 appearing on sheet c2021-062B. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. ADAM SEARLE (20:39): I move Opposition amendment No. 1 on sheet c2021-040G:

No. 1 **Terms of office**

Page 4, Schedule 1. Insert after line 19—

[12A] **Schedule 1 Provisions relating to members of the Commission, Assistant Commissioners and alternate Commissioners**

Omit clause 3. Insert instead—

3 Terms of office

- (1) Subject to this Schedule, a person may hold office as each of the following for 1 or more terms, not exceeding 5 years in total for each office—
 - (a) the Chief Commissioner,
 - (b) a Commissioner, other than the Chief Commissioner,
 - (c) an Assistant Commissioner,
 - (d) an alternate Commissioner.
- (2) Nothing in this clause prevents an instrument of appointment from specifying a term of less than 5 years.

As I indicated in my contribution to the second reading debate, the Opposition acknowledges the good and cogent public policy reasons why in schedule 1 clause 3 of the Law Enforcement Conduct Commission Act there is a five-year cap on the term of office of the commissioner, the chief commissioner or any of the office holders that may be served out in one or more terms of office. We acknowledge the reasons why that is in the Act, but we draw a distinction between the similar provision in place for the chief commissioner of the ICAC or the Auditor-General, which I believe has the same five-year restriction. In both of those cases the cap is present for even more profound public policy reasons. It is present in the ICAC because of necessity.

Many of the matters ICAC investigates will involve the Executive, its offices and its political levers, and it would be a corruption risk of its own should the chief commissioner be dependent on government potentially for a renewal of a term of office. That could be seen to limit the robustness with which a person may pursue matters. Similarly, the cap is present for the Auditor-General because it puts the ruler over the State finances and we would not want the public to lack confidence in the integrity with which those jobs were conducted. The Law Enforcement Conduct Commission is about oversight of the police force. It is not an unimportant matter but it does not have those same probity or integrity risks. The Opposition does not seek to disturb the five-year rule. However, we seek to change it a little so that a person may serve a five-year term as commissioner but upon reaching the five-year limit that person would not be precluded from being appointed as chief commissioner if the Government, in its discretion, chose to do so.

Why did we bring this to the table? It is not the first time that the Opposition has brought this matter to this place for debate. It becomes increasingly important in our view for the reason that since the departure of former Justice Adams, the Hon. Reginald Blanch, AM, QC, has been chief commissioner, initially as an acting appointment and, with the full support of the Opposition, then in a substantive appointment, albeit for a short period. I understand that Mr Blanch's term will come to an end early next year; I think it is January. In about April the term of office of Commissioner Drake will also come to an end. The State faces the loss of significant judicial leadership skills in an important body that is doing very important public work. It is a matter of record that this body had a bumpy patch, but that ship has been righted. Until recently, Mr Chair and I worked together on the oversight committee of the Parliament that looks at the body; so far I remain.

The CHAIR (The Hon. Trevor Khan): Yes, unfortunately I was defenestrated.

The Hon. ADAM SEARLE: Yes, I acknowledge that. Hopefully Mr Chair will come back one day soon.

The Hon. Don Harwin: The Chair was the one who asked to be on fewer committees.

The Hon. ADAM SEARLE: I acknowledge that interjection too. Will honourable members please take this discussion outside while I am trying to speak? The point is from all reports from stakeholders and the public hearings, the organisation seems to be working well. I would not want that progress or work to be compromised by the significant loss of experience at its leadership level. This does not bind the Executive; it would not seek to do that. It just gives the government of the day options that do not presently exist. We urge all members of the committee to open up the possibilities for the LECC going forward so that the Government may have the full range of options at its disposal. It is a matter for the Government what it does with those, but let us give it the tools to do the job properly.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:44): The Government does not support the Opposition amendment to replace clause 3 of schedule 1. Clause 3 currently provides that a member of the commission or an assistant or alternate commissioner can hold office for a term not exceeding five years but is otherwise eligible for reappointment. A person may not hold office for terms that exceed five years in aggregate. The Opposition proposes a new clause 3 that would allow a person to be appointed as a member of the commission or assistant or alternate commissioner for an unlimited number of appointments provided each term of appointment does not exceed five years. Actually, I think that might have been superseded by a subsequent draft. In any case, it is not an unlimited number of terms but one more term of five years for the other three positions.

The Hon. Adam Searle talked about the difficulty posed by a commissioner at the end of their term who might want to be reappointed and who, in other forums where this is currently possible, effectively campaigns for an appointment and that being one of the reasons why the Government has thus far expressed a preference for capping at five years. It goes a bit further than that. The other reason that we need to consider is that cumulative terms sometimes carry the risk of allowing regulatory capture, where oversight bodies become too close to those that they are charged with oversighting. There is a very strong view that, for example, the ICAC and the Auditor-General should only ever have one term. I do not think there has been a long discussion or a detailed examination of whether the Law Enforcement Conduct Commission should be different to the ICAC and the Auditor-General in that respect.

The Government has a preference for shorter capped terms for statutory officers who have oversight functions, to promote diversity in leadership. When I say "diversity", I refer to the factors that I spoke about before. The amendment is in contrast to similar bodies where appointments are limited to a cumulative total of five years. It would be our preference not to consider an ad hoc proposal in the absence of considering statutory terms of appointment for other integrity bodies, including the ICAC—in short having a philosophical discussion about whether it is the right thing to go above one capped term. The Government cannot support the amendment and it particularly cannot support it in the current form, where in theory a commissioner could serve in the position for 20 years. That is as the amendment is written and we really cannot come at that. Potentially going from five years to 20 years, even though it is unlikely, is just not on.

Mr DAVID SHOEBRIDGE (20:48): The Greens support the thrust and the direction of the Opposition's amendment. It is primarily to allow the Government to have options so that there can be organisational continuity. A complete change of the guard with no institutional memory at a commissioner level happening within the space of a few months can be extremely difficult for any organisation. I note that Government members say that they want to have basically the same structure for the Law Enforcement Conduct Commission [LECC] as we have for the ICAC and other bodies. Perhaps that is what they want but the amendments that we are agreeing to in the substantive bill today take the LECC away from the model that exists for the ICAC because the ICAC is a three-commissioner model. But for some reason—and I am not saying for noxious reasons—the Government has formed a legitimate view that there is a good reason to have a different commissioner structure for the LECC than there is for the ICAC, going from three commissioners to two. It is happy to vary that arrangement for the LECC, and there may well be good reasons to have some other minor variations.

I accept everything the Government says about ensuring that we do not have regulatory capture and that there is independence. We do not want somebody exercising their role as a LECC commissioner in a manner that is favourable with the Government so that it could encourage a further appointment. All of those are valid arguments. But against that is the argument about allowing for some organisational continuity. These are hard balancing points. On balance, we think it is better to allow for—if it is thought to be appropriate—organisational continuity where it is necessary. There may be other options but we should also allow for that option to be in place. That being said, we accept the Government's argument that being able to move through four positions is too many. In fairness, I think the Opposition on reflection might think a narrowing of the proposal would be sensible. To assist with that, I move:

That Opposition amendment No. 1 on sheet c2021-040G be amended by omitting paragraphs 3 (1) (c) and (d).

That amendment would remove the positions of alternate and assistant commissioner from the list of bodies that people could have cumulative appointments to, so that it only reads "the commissioner and the chief commissioner". So the maximum time any person could spend as either commissioner or chief commissioner would be 10 years. With that amendment, we indicate that we will support the Opposition's amendment.

The Hon. ROD ROBERTS (20:51): One Nation supports the concept of the amendments as moved by the Hon. Adam Searle and wholeheartedly endorses the amendment to the amendment as moved by Mr David Shoebridge in his tidying up of the Opposition's amendment. I understand the Government's position, although I do not agree with it. I do not believe the Law Enforcement Conduct Commission [LECC] and the ICAC can be compared. They are not apples and apples; they are apples and oranges. The LECC investigates police, as we know. The ICAC investigates and can investigate the Executive Government and there is a separation that is needed.

In this Chamber we are all aware—in fact, the vast majority of people outside are even aware—that the LECC went through a very rocky period, if I can use that description. It now appears to be quite a stable and functional organisation. It is incumbent upon us as a parliament to ensure that it remains so. The thrust of this amendment is not to tie the Government to a particular course of action; it is to give it breathing space and an option that it may choose to exercise. It should be noted that the amendment says to a term "not exceeding five years". Clause 3 (2) says:

- (2) Nothing in this clause prevents an instrument of appointment from specifying a term of less than 5 years.

It may happen that at the completion of terms of Mr Blanch and Commissioner Lea Drake the Government will decide that for stability purposes it might like to extend the contract of, say, Commissioner Drake for an additional 12 months to bed in the next commissioner and have a smooth transition, a stable position and continuity going forward to ensure the LECC keeps doing the good job it is doing at the moment. I suggest that this not tying the hands of the Government; it is simply providing it with an option. We think that this is a sensible amendment and more sensible with the amendment to the amendment, and we support it.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (20:53): First of all, to deal with one of the matters raised by the Hon. Rod Roberts, he is right: We are talking about an apple and an orange. They are not the same. His point is quite valid. The second point I make relates to points that both he and Mr David Shoebridge made. After some difficulty that had developed there—I do not need to go through those again—what I did was step in, act and fix it. That is why it is functioning much better now. I think that is highly relevant. I make this point in relation to another point that Mr David Shoebridge made. The Government has not just done this because it thought it was a good idea. As I said in my second reading speech and reply speech, Chief Commissioner Reg Blanche came to the Government and suggested that the LECC is functioning well and that the Act should reflect the actual working reality of the LECC as it is. That was his advice and, as he represented it to me, the view of Commissioner Drake as well. It was a good model that was working and it should be reflected in the legislation. That is why the bill comes to the Chamber.

On the point of continuity that has been raised by both honourable members and of course by the Hon. Adam Searle when he moved the amendment, let us not forget that one of the reasons this all started was that Chief Commissioner Adams thought we should have a chief executive of the body. The chief executive of the body ensures that there is continuity. The position of chief executive was created to deal with the very circumstances that honourable members have talked about: to ensure that the body would not have this difficulty if commissioners' turns ended closely together. It is a reflection of the need to make sure there is continuity, and that is important. I will say one final thing in terms of the Hon. Rod Roberts' point. He does make a good point, which is that this amendment could have been moved in a form which the Government would have found far more unacceptable. I thank the Hon. Adam Searle for coming to the House with an amendment that, while the Government still cannot support it, the Government understands is being moved in a way which attempts to be as helpful as possible and to protect the interests of a good, functioning LECC.

The Hon. ADAM SEARLE (20:56): I thank the Leader of the Government, the Hon. Rob Roberts and Mr David Shoebridge for their contributions. I assure the House that the Opposition puts the amendment forward in the spirit of trying to improve the integrity and the legislative framework for this employment body. We have brought the amendment in as an attractive a form for the Government as we could imagine.

Mr David Shoebridge: Sprinkle a bit of sugar.

The Hon. ADAM SEARLE: I acknowledge that interjection. I also accept the force of the argument about omitting paragraphs (1) (c) and (d). One of two things happened: Either as a former industrial negotiator I built in some ambits to the project or possibly recent events just kept me too busy to be able to closely look at the drafting. However it has worked out, I think we are heading towards a happy equilibrium where in this House we can make a sensible and progressive change to the bill in a way that hopefully does not impede its ultimate passage through the Parliament. With that, I hope all members can support this amendment as it is proposed to be amended by Mr David Shoebridge. I fully accept Mr David Shoebridge's proposition.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2021-040G, to which Mr David Shoebridge has moved an amendment. The question is that the amendment of Mr David Shoebridge be agreed to.

Amendment of Mr David Shoebridge to Opposition amendment No. 1 agreed to.

The CHAIR (The Hon. Trevor Khan): The question now is that Opposition amendment No. 1 as amended be agreed to.

The Committee divided.

Ayes21
Noes 16
Majority.....5

AYES

Banasiak

Houssos

Primrose

AYES

Boyd
Buttigieg (teller)
D'Adam (teller)
Faehrmann
Field
Graham

Hurst
Jackson
Mookhey
Moriarty
Moselmane
Pearson

Roberts
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Cusack
Fang
Farlow
Farraway (teller)
Franklin
Harwin

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

Nile
Poulos
Taylor
Tudehope
Ward

PAIRS

Donnelly

Amato

Opposition amendment No. 1 as amended agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. DON HARWIN: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.**Adoption of Report**

The Hon. DON HARWIN: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. DON HARWIN: I move:

That this bill be now read a third time.

Motion agreed to.**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2021****Second Reading Speech**

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (21:12):
On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

I note that the Government moved three amendments in the other place to omit amendments to two Acts and an instrument following concerns raised by the member for Granville. Schedule 1 as amended in the other place now proposes amendments to 40 Acts and nine instruments.

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

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill 2021 continues the statute law revision program, which has been in place for more than 35 years.

Statute law bills have featured in most sessions of Parliament since 1984.

They are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book by removing typographical errors, updating cross references and repealing redundant provisions.

I now turn to the content of this bill.

Schedule 1

Schedule 1 to the bill contains policy changes of a minor and non-controversial nature.

The schedule, as amended in the other place, contains amendments to 40 Acts and nine instruments.

These changes are for proposals that are too inconsequential to warrant the introduction of a separate amending bill.

I will now give an outline of some of the amendments included in this schedule.

Electronic Service of Documents

Schedule 1 includes amendments designed to ensure that New South Wales legislation best reflects contemporary business practices in the service of documents.

These include amendments to the Animal Research Act 1985, the Exhibited Animals Protection Act 1986, the Food Act 2003, the Hemp Industry Act 2008, the Local Land Services Act 2013, the Poppy Industry Act 2016, the Stock Medicines Act 1989 and the Veterinary Practice Act 2003 within the portfolio of the Minister for Agriculture and Western New South Wales.

These amendments enable the service of particular documents under those Acts by electronic transmission rather than being limited to service by email to an email address, as is currently the case.

These amendments ensure that New South Wales legislation recognises and provides for the evolving capacities of technology, whether it be email or another electronic method, so that the most appropriate methods of service are available.

The Plantations and Reafforestation Act 1999, within the portfolio of the Deputy Premier, has also been amended to allow for service or giving of notices to be effected by electronic transmission.

Amendments to the Interpretation Act

The amendments to the Interpretation Act 1987 will, among other things, introduce a definition for the terms "business day" and "public holiday".

These commonly used terms appear throughout the statute book.

Where an Act or instrument does not already define the term, the new definition will apply to ensure consistency and certainty in the interpretation of the term.

Amendments to the Fisheries Management Act

Amendments to the Fisheries Management Act 1994 continue the Government's commitment to delivering user-centred digital services by providing online access to the register of aquaculture permits.

Currently, that Act provides that a person may attend the place where the register is kept during ordinary business hours to inspect the register.

The amendments will make the electronic part of the register available on the website of the department.

This ensures online access to the register in the same way as is currently available for the commercial fishery share register under that Act.

Similarly, the exhibition of documents for public consultation under that Act will also now be available on the department's website, greatly increasing accessibility.

These documents may relate to fisheries management plans, the making of fishing determinations by the Total Allowable Fishing Committee and aquaculture industry development plans, among other things.

Other amendments to the Fisheries Management Act 1994 provide that a person may show a photo of their official receipt for payment of a recreational fishing licence for the purposes of complying with the requirement for a fisher to have the official receipt in their possession when taking fish.

The photo may, for example, be shown on a smart phone or other mobile device.

Replacing References to the Motor Vehicle Standards Act

References across the statute book have been updated to reflect the Commonwealth's introduction of the Road Vehicle Standards Act 2018 to replace the Motor Vehicle Standards Act 1989.

These Acts regulate the provision of road vehicles to the Australian market and the remaining provisions of the Road Vehicle Standards Act 2018 are due to commence soon.

The amendments make consequential changes to refer to the new Act and also make provision for the transition from identification plates, which were required under the Motor Vehicle Standards Act 1989, to the new Register of Approved Vehicles under the Road Vehicle Standards Act 2018.

The new register will act as an online, publicly searchable database of information for vehicles approved for use on Australian roads.

The amendments made to the New South Wales Acts and instruments will ensure that New South Wales remains in line with the current Commonwealth laws.

Schedule 2

Schedule 2 deals with purely statute law matters consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill.

Examples of amendments in those schedules are corrections of cross-references, typographical errors and terminology.

It also includes amendments arising out of the enactment of other legislation.

Schedule 3

Schedule 3 contains amendments to a number of Acts and regulations which refer to "First State Superannuation". These amendments reflect the change in the name of the fund to "Aware Superannuation Fund".

The amendments include changing the name of the First State Superannuation Act 1992 to the Aware Super Act 1992.

The amendments also provide for a transitional arrangement to make it clear that a reference in a document to First State Superannuation, or to the First State Superannuation Act 1992, is taken to include a reference to Aware Super or the Aware Super Act 1992.

Schedule 4

Schedule 4 continues the program of repealing Acts and instruments that are redundant or of no practical utility.

In this bill, the Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016 is repealed, as it has ceased to operate.

Schedule 5

Schedule 5 contains general savings, transitional and other provisions, including a provision that deals with the effect of amendments on amending provisions.

This schedule also includes a provision allowing for regulations to be made that are of a savings or transitional nature.

Each amendment included in the bill is explained in detail in explanatory notes.

The explanatory notes are included at the beginning of the bill or beneath the amendments to each of the Acts and statutory instruments concerned.

Conclusion

I hope that members will appreciate the uncontroversial nature of the provisions contained in this bill.

If any amendment causes concern or requires clarification, I ask that it be brought to my attention.

If necessary, I will arrange for Government staff to provide additional information on the matters raised.

If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill.

Withdrawn proposals can also be dealt with in a second bill, through the procedure for splitting bills in the Legislative Council, and can be dealt with in each of the Houses in the same way as an ordinary bill.

I commend the bill to the House.

Second Reading Debate

The Hon. ADAM SEARLE (21:13): I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill 2021. As is the custom, we do not oppose the bill. We understand the proposed amendments relating to the Hairdressers Act 2003, the Motor Dealers and Repairers Act 2013 and the Motor Dealers and Repairers Regulation 2014 were withdrawn by the Government. This bill is of a type used by governments of all colours for several decades to move seemingly uncontroversial and comparatively minor amendments, thus avoiding the need for separate bills or minor propositions. For example, schedule 1 to the bill makes minor amendments to a range of Acts and instruments. Schedule 2 makes statute law revision amendments to another group of Acts and instruments. Schedule 3 makes amendments flowing from the changes of the name of First State Superannuation. Schedule 4 repeals the redundant Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016 and other such hair-raising matters. Schedule 5 contains savings, transitional and other general provisions.

I also note that at line 24 on page 17 of the tabled copy of the bill there appears to be a grammatical error or a missing word in the explanatory memorandum, but maybe that was fixed up. Someone may want to look at that. Anyway, the Opposition does not oppose the bill, although I think Mr David Shoebridge will have an amendment. The Opposition will be supporting that amendment because, as we understand it, the substance of that amendment was actually agreed to in conversations between the Government and other parties around the local government rating legislation and, as it transpires, the drafting of those agreed matters may not have been legally effective. And so, it seems entirely appropriate in a statute law revision bill to recalibrate what all parties had agreed to but had unwittingly made in a way that was not going to have legal efficacy. This is the opportunity by which the House may remedy that matter. Given that is the proposition and that the Opposition was party to that agreement, we will be supporting Mr David Shoebridge's proposal this evening.

Mr DAVID SHOEBRIDGE (21:15): I indicate that The Greens will not be opposing the Statute Law (Miscellaneous Provisions) Bill 2021. I would like to go into detail about the proposed amendment to section 34A of the Fisheries Management Act 1994 No. 38, which I think makes some pretty dramatic changes to the way in which fishing fees are determined. I cannot help but notice that there are amendments to the Hemp Industry Act 2008; it will not surprise any member in the House that we do not believe those amendments go far enough. With those brief contributions, I indicate that we will not be opposing the bill and will have further contributions in Committee.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (21:16): On behalf of the Hon. Sarah Mitchell: In reply: I thank the lead counsel for the Opposition, the Hon. Adam Searle, and Mr David Shoebridge, non-leader of The Greens, for their contributions.

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

Motion agreed to.

Instruction to Committee of the Whole

Mr DAVID SHOEBRIDGE (21:17): According to sessional order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider an amendment to the Local Government Act 1993 relating to the exclusion of fire and emergency services levies from council general income.

I move this procedural motion for an overabundance of caution. I believe that the long title of the bill, "An Act to repeal an instrument and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings", is far and away sufficient to encompass the amendment The Greens will be moving in Committee. But because there is precedent in this House that amendments to statute law miscellaneous provisions bills are done by way of instruction to the Committee, The Greens are respecting that precedent. It has happened on multiple occasions and, consistent with that precedent, we are moving the instruction, but I do want to make it clear that we do not believe that is necessary for this instruction, given the breadth of the long title of the bill. I do not think now is the time to have the substantive debate on the amendment; I will save that, if this vote succeeds.

I will say this: We had a position and the House passed amendments, which were then accepted and adopted by the other place. That was after detailed, lengthy negotiations between the Opposition, the Minister, the rest of the crossbench, The Greens and Local Government NSW. We came to an arrangement on the Local Government Amendment Bill that we could all live with. One of the outcomes was to exclude the emergency services levy from the rate cap because of how grossly unfairly it impacts regional councils in particular. Just last week, 62 country mayors were in open revolt against the Government. They have sought to dodge the effect of that amendment because they say there is an infelicity in the drafting.

If ever there is a purpose for a statute law miscellaneous bill, it is to fix up what the Government now says is an error in the drafting, which has meant that what all members thought they were legislating for did not come into legal effect. That is why we seek to move the amendment. That is why we think it is entirely appropriate for the amendment to be considered in a Statute Law (Miscellaneous Provisions) Bill. This is not trying to hijack the bill for a purpose that is not intended. It is about fixing up an infelicity in the drafting to make sure that what we passed and what the other House accepted in good faith actually is the law.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:20): It has long been the practice of this House that if a provision is incorporated in a statute law bill that has any controversy attached to it, the Minister would in fact remove that provision from the bill so that only those provisions that had the agreement of all sides of the Parliament would be debated as part of the statute law reform. Notwithstanding the force of the position put by Mr David Shoebridge, I say that, as we stand, there is no agreement on this provision. As such, it is a controversial provision relating to an aspect of another bill, not the subject matter of the statute law bills. It is not an amendment of any provision contained in the statute law provisions; it seeks to add another provision.

I put to you, Mr President, that you should rule the amendment out of order on the basis that it goes completely against the convention that relates to the manner in which statute law amendments are dealt with. Effectively it goes beyond the scope that would be accepted in a statute law bill. The Act it refers to is not contemplated in the long title of the bill and the amendment it proposes is not relevant to the content of the bill. Furthermore, the policy change it proposes is neither uncontroversial nor non-political. For all those reasons, this is not a statute law revision; this is a controversial provision that does not have the support of the Minister. Notwithstanding that, I completely accept the good faith in which Mr David Shoebridge says this was negotiated and what he perceives to be the error that arises as a result of the drafting of the previous provision. It is an inappropriate way to seek to introduce a new provision. The position of the Government is that we oppose the

instruction to the Committee of the Whole and the manner in which it has been suggested that Mr David Shoebridge wants to use the Committee as a vehicle to introduce this amendment.

The Hon. ADAM SEARLE (21:23): The Leader of the House must be the hardest working man in showbiz. That was a real effort. He brings to the table the misconceptions often found about this place in the other place. Taking his last point first, this is an appropriate subject for an instruction to the Committee of the Whole because it does not seek to introduce a new policy or a new matter. In fact, it seeks to correct a legislative infelicity in a provision already passed by the Parliament, already agreed to by the Government, the Opposition and other parties but which went astray due to legal inefficacy. It seeks not to change the law in a new and positive way; it seeks in fact to maintain what the Parliament thought to be the status quo in relation to that matter. That is the first point.

The second point is that instructions to committees of the whole of this kind are adopted by this House regularly. I do not think it is necessary on this occasion because a bill about miscellaneous provisions, of necessity, amends a number of Acts and instruments. Well known to members in this place is that one does not even need to be amending those Acts or instruments contemplated in the bill. Members in this House and I have moved amendments touching Acts or instruments not mentioned in the bill simply because it is an omnibus bill. That is of its essence. Therefore it falls within the long title. We support the instruction to the Committee of the Whole for more abundant caution, but I do not think it is necessary. It is entirely appropriate.

Convention is very important. The convention rests on the Government. The Government puts up a bill. If there is anything controversial in that, the Government as a matter of course, in my time here and previously, takes it out on most occasions. It has not been an unfailing rule in this place. But the convention, to the extent it exists, rests on the Government. It has never prevented this House or other non-Government party members from making other suggestions. But in this case members need not be disturbed because it is not trying to do something new and adventurous; it is seeking simply to maintain the legislative status quo. So we will be supporting it.

The PRESIDENT: I draw members' attention to Standing Order 179 and, in particular, the excellent discussion on page 583 of the *Annotated Standing Orders of the New South Wales Legislative Council* by Want and Moore, the very wonderful procedural book edited by our dear Clerk. It states:

A committee of the whole can be charged with the detailed consideration of a variety of matters, but most often bills. Nevertheless, the House remains the ultimate authority of any matter referred to the committee and equally the authority of any restrictions or special liberties that are placed upon the committee's consideration of the matter referred.

I think that deals with the matter. The instruction to the Committee of the Whole is in order. If there is no further debate, I will put the question.

The question is that the motion be agreed to.

The House divided.

Ayes21
Noes16
Majority.....5

AYES

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

NOES

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

PAIRS

Donnelly

Harwin

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have one amendment, being The Greens amendment No. 1 on sheet c2021-063A.

Mr DAVID SHOEBRIDGE (21:38): I move The Greens amendment No. 1 on sheet c2021-063A:

No. 1 **Exclusion of fire and emergency service levies from council general income**

Page 7, Schedule 1. Insert after line 41—

1.12A Local Government Act 1993 No 30

Section 505 Application of Part

Omit section 505(a)(vii). Insert instead—

(vii) fire and emergency service levies, however described, payable under the *Fire and Emergency Services Levy Act 2017* or another Act or law, and

Explanatory note.

The proposed amendment makes it clear fire and emergency service levies, whether payable under the *Fire and Emergency Services Levy Act 2017* or another Act or law, are not to be treated as part of the general income of a council for the purposes of the *Local Government Act 1993*, Chapter 15, Part 2 (Limit of annual income from rates and charges). The proposed amendment gives effect to the purpose of an amendment made to the Bill for the *Local Government Amendment Act 2021* in the Legislative Council.

This amendment seeks to amend the Local Government Act 1993 by omitting section 505 (a) (vii) and inserting in its place, "fire and emergency service levies, however described, payable under the Fire and Emergency Services Levy Act 2017 or another Act or law". This has come from Parliamentary Counsel and is called the boilerplate provision because apparently the initial reference to the Fire and Emergency Services Levy Act 2017 in the amendment to the Local Government Act that was moved only a few short weeks ago was of too narrow a compass. Apparently, despite the statement by Treasury on its own website that that was the Act under which it secured those millions of dollars from local councils, there were some other Acts or other provisions under which it did it. So for the avoidance of doubt, this amendment is now drafted in the broadest possible terms.

The Hon. Adam Searle: To maintain the status quo.

Mr DAVID SHOEBRIDGE: To maintain the status quo. I accept the interjection. Why did we do this in the first place? I will read onto the record an extract from correspondence that was sent from Local Government NSW to all MPs at the time we were having this debate a few weeks ago. In relation to removing the emergency services levy [ESL] from the rate peg, it says:

Councils are struggling with the ever-increasing cost of the ESL. High annual increases over the past decade and large increases in 2019-20 and 2020/21 are eating into council budgets to the extent that they are severely impacting on the ability of many councils to maintain spending on infrastructure.

For example, the 2.6% rate peg will provide an additional \$120,000 in revenue to one rural council in 2020/21 but \$81,000 or 67.5% of the increase will be consumed by the increase in the ESL. This is a common result, particularly among rural and regional councils with small rate bases and high RFS costs.

Another council is facing an increase in ESL contributions of \$333,000 per annum. The total revenue increase under their 2% rate cap is only \$153,000 per annum.

I will stop there.

The CHAIR (The Hon. Trevor Khan): I invite Mr David Shoebidge to consider the following. We do not need to debate the basis upon which the amendment was moved. We are dealing with why the amendment is necessary. It seems to me that Mr David Shoebidge already addressed that in some of his preliminary comments on the motion that was moved before we went into Committee. I simply make that observation; I am not being critical.

Mr DAVID SHOEBRIDGE: These are all the papers that I have, so you will be pleased to know it will not last long, Mr Chair. That is a council where the additional charge from the State Government under the ESL was \$333,000—a charge that councils have been angered by for decades. The charge they got from the State Government was \$333,000 but they could only raise rates by \$153,000 because of the rates cap, and they were smashed. The reason the Government likes the current provision is it can hide the gouging of emergency services

levies, which is a fee charged by the State Government to councils. The Government can hide it in the general revenue of councils and force councils to basically beggar themselves in order to provide additional fees for the State Government.

One of the councils that was most savaged by this was the Upper Hunter council, which in just 10 years has seen the fees charged by the State Government under the ESL more than double, from just over \$400,000 to almost \$900,000. What is worse is it is the one of the councils that are most impacted by fire and floods and have been smashed by the rate rises. This is not going to make much, if any, of a difference for most of the councils in metro Sydney, but those councils around regional New South Wales that are already struggling with the infrastructure and the additional costs because of fire and flood are the ones that are being smashed by this ESL.

We say to the Government, if it wants to put that additional impost on regional councils—because that is what it is—and on regional communities, at least be honest about it. Make it clear to those residents across regional New South Wales that it is stripping extra millions of dollars out of their communities by jacking up the ESL year after year after year. Stop trying to hide that government fee—which is what has been happening—by making the councils suck it up amongst their income and reduce the services and the infrastructure they can provide to their communities because they are paying millions of dollars extra to the Government in their ESL. This is about honesty, transparency and decency, and it is about ensuring that those regional councils are not continually beggared by the actions of the Government.

In relation to this amendment, which just seeks to give effect to the amendment that we all agreed to a few short weeks ago, Local Government NSW has provided further correspondence, which I will briefly read onto the record—it is only one page. It wrote, "Thank you for your advice regarding the amendment you propose to move to the Statute Law (Miscellaneous Provisions) Bill 2021." It went on to say:

As you are aware this matter is of utmost importance to the local government sector and will have serious implications to the financial sustainability of councils if not passed.

LGNSW strongly supports this amendment, which will give clear effect to the amendment passed by the Parliament on 13 May 2021.

Our support for this amendment is outlined in our correspondence to you dated 4 May 2021, in relation to the *Local Government Amendment Bill 1993*

Local Government NSW wanted us to go further and add an additional provision that says expressly, "The Emergency Services Levy is charged in addition to the general income to be raised by a council." We do not believe that is necessary, but if the Government goes away and comes up with yet some other clever plan to exclude this, we will be back here, amending it again. We will make it retrospective and we will put in a provision requiring the Government to pay for it because right now regional councils are furious about what the Government has done. They thought they had a final, small win in this regard and then the Government, through an approach that was far too clever by half, has tried to wriggle out of that commitment. Last week 62 country mayors met and they said if this does not get fixed they will not pay the levy. They will go on strike and not pay the levy because they are white-hot furious that the Government passed the bill in the other House that had that effect, giving them all hope, and then basically it is ratting on them, not coming clean and not trying to fix the problem. This amendment fixes it. I commend the amendment to the Committee.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (21:46): It will come as no surprise that the Government opposes The Greens amendment No. 1 on sheet c2021-063A. The statute law revision [SLR] bill contains policy amendments of a minor and non-controversial nature only. Proposed SLR amendments are initiated by government agencies after due consideration and consultation with relevant stakeholders to consider the impacts of the proposed amendments. The amendments proposed by The Greens lack the benefit of that consultation process. It would appear to place revenue from emergency services levies outside the general income of councils, which, as members know, is currently limited to increasing each year by the rate peg set by the Independent Pricing and Regulatory Tribunal [IPART].

We understand that many councils, particularly in regional and rural New South Wales, have raised concerns over the past few days about facing increasing emergency services costs. I note that Minister Hancock in the other place understands acutely the importance of this issue to local government and has been actively listening to their concerns. Local councils and communities value our emergency services and understand their importance, particularly given the unprecedented series of bushfires and floods we have lived through in recent years. However, it is also true that workers compensation reforms for our emergency services heroes have impacted councils' share of these costs, which is 11.7 per cent of the total cost.

The New South Wales Government has already fully funded councils' emergency services levies to a value of over \$50 million since 2019. This has enabled councils to direct funding to frontline COVID-19 response efforts and community services. It has also provided time for councils to consider how best to budget for those costs in the future. I am advised that last year IPART surveyed councils about their costs and has now reset the local

government cost index to reflect the inclusion of the emergency services levy. The index is the primary input into setting the rate peg each year, which determines the general income that councils can generate from rates and charges. The new index was used to calculate the rate peg for the 2021-22 financial year and will continue to capture changes to emergency services contributions for councils over time.

By taking this action the Independent Pricing and Regulatory Tribunal has acknowledged those increasing cost pressures on councils and has adjusted how it calculates the annual rate peg by factoring in emergency services costs using forecast costs for 2021 as it sets the rate peg. Whilst at face value these amendments may seem to improve transparency, they will not provide a fair way to distribute those costs amongst ratepayers and will not help to manage risks that contribute to future emergencies. For example, under the model it is not clear how councils will determine what to levy specific ratepayers. Should councils levy a flat rate on all properties? Should property owners with more expensive properties pay more or should property owners with higher risk properties pay more?

The proposal would also impose additional regulation and cost without any practical benefit to ratepayers or to the overall goal of reducing the instance of fires, floods and other emergency events. The amendment does not provide an appropriate and well-targeted approach to the problem of relieving the pressure of those costs on councils and ratepayers while also ensuring that emergency services are funded properly. However, the Government will continue to engage constructively with councils on the issue and it is examining options to better manage the impact of government services costs on councils. The Government opposes the amendment for those reasons.

The Hon. ADAM SEARLE (21:50): I will not detain the Committee. Labor supports the amendment for the reasons outlined in my second reading contribution.

Mr DAVID SHOEBRIDGE (21:50): The Government pretends that including the levy in a general way in the Independent Pricing and Regulatory Tribunal determination goes anywhere near addressing this problem for rural and regional councils. I will explain very briefly why it fundamentally misunderstands the problem.

The CHAIR (The Hon. Trevor Khan): I do not want to truncate debate but we are not examining the Local Government Act. The amendment deals with what the member said is essentially the correction of a typo.

Mr DAVID SHOEBRIDGE: I hear you, Mr Chair, and to that I say this. The Government opposes the amendment on an in-principle basis and is quite happy that it is ineffective because it opposes it in principle. I am addressing that in-principle opposition from the Government.

The CHAIR (The Hon. Trevor Khan): Fine.

Mr DAVID SHOEBRIDGE: The emergency services levy, as a proportion of all of councils' income across the whole State, is probably a fraction of 1 per cent because the changes have minimal impact on the really big councils that are largely in metropolitan Sydney, metropolitan Newcastle and parts of the Illawarra. Those councils are not seeing the huge increase in the emergency services levy. Sometimes their emergency services levy can be static or it can go down marginally. It is not applied evenly across all councils. To suggest that one can even it out with an increase in rates of 0.05 per cent applied evenly across all councils fundamentally misses the point. In fact, it has had a 5 per cent increase on the rates in one council, 10 per cent in another council and 6 per cent in another council—that is all in rural and regional New South Wales and it is smashing them. The idea that one can share the burden across all councils with an increase in the rates levy of 0.03 per cent or 0.05 per cent fundamentally misunderstands how this is grossly and inequitably hitting rural and regional councils that have already been smashed by floods and fires. It will not work, it is not working and that is why we need to fix it.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2021-063A. The question is that the amendment be agreed to.

The Committee divided.

Ayes21
Noes16
Majority.....5

AYES

Banasiak	Houssos	Primrose
Boyd	Hurst	Roberts
Buttigieg (teller)	Jackson	Searle
D'Adam (teller)	Mookhey	Secord
Faehrmann	Moriarty	Sharpe

AYES

Field
Graham

Moselmane
Pearson

Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
Franklin

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

Nile
Poulos
Taylor
Tudehope
Ward

PAIRS

Donnelly

Harwin

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): I make the observation that a division is called when the tellers are appointed. No point of order was taken by the Opposition because the Opposition would win the vote but a point of order could be taken. If members do not stand when asked to do so and the tellers are appointed, the votes of those members will not be counted. That has happened previously. I make the point particularly to three Parliamentary Secretaries that it is important to back in the Government.

The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. NATALIE WARD: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.**Adoption of Report**

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

The PRESIDENT: According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

TAX ADMINISTRATION AMENDMENT (COMBATING WAGE THEFT) BILL 2021**Second Reading Debate**

Debate resumed from 6 May 2021.

The Hon. DANIEL MOOKHEY (22:05): I lead for the Opposition on the Tax Administration Amendment (Combating Wage Theft) Bill 2021. I say at the outset that Labor welcomes the introduction of the bill to the Parliament by the Minister the Hon. Damien Tudehope. It is perhaps possible that the Opposition has inspired the introduction of this bill. I state from the outset that the Opposition will not oppose the bill but intends to introduce amendments to strengthen the bill to tackle the scourge of wage theft. Wage theft has become a blight on our economy, on our society and on our businesses.

We on this side have said repeatedly in this place that it is not a victimless crime. There are in fact three victims. There are those who have worked hard to earn their money who have not been paid what they are legally owed, robbing them of their rightful entitlements. But equally wage theft punishes honest businesses that pay their employees correctly and places those honest businesses at a competitive disadvantage when compared to those whose business model is to steal the income of their employees. Finally, it robs our State of the vital taxes to fund our schools, hospitals and other services.

Our tax system, in large part, does turn on taxation on labour. In New South Wales that involves payroll tax. A person who is stealing someone's wages is just as likely to be under-declaring the wages that they pay for the purposes of assessing payroll tax. As the Minister noted in his second reading speech, it is estimated that 13 per cent of Australia's workforce is underpaid. That is more than one in 10. The cost of that amounts to \$1.35 billion per year across the country, according to the Minister. That alone is \$1.35 billion taken from the pockets of workers who have legally earned that money, taken out of the tills of local small businesses but also taken out of the accounts of the New South Wales Treasury because that money is not being taxed properly.

The bill's purpose is to deter wage underpayment and tax evasion by amending the Taxation Administration Act 1996. It does so through various provisions, which include providing an exemption to allow Revenue NSW to undertake reassessments after the five-year limit in circumstances of wage underpayments, allowing Revenue NSW to disclose information to the Commonwealth Fair Work Ombudsman and NSW Industrial Relations in order to assist investigations of wage theft. Where an entity has been found to engage in wage theft, it can be publicly named at the discretion of the chief commissioner of revenue under guidelines to be issued by the Minister. Significantly, the bill increases penalties from \$11,000 to \$55,000 for knowingly attempting to evade payroll tax and tax and it also introduces a new general offence for the evasion or attempted evasion of tax, which will carry a maximum penalty of \$110,000 or two years' imprisonment or both.

I note at the outset that when I had the honour of becoming Labor's shadow Minister for Finance and Small Business, one of the Acts I read first was the Taxation Administration Act 1996. It is remarkable that an Act as important as that, which was passed over 20 years ago, has in large part not really been subject to the level of scrutiny that it deserves. It is equally remarkable how so many of the penalty provisions in the Act were simply not updated. In fact, in many senses aspects of that Act are out of date and have not kept up with changes in wider law or our economy. It is overdue that we contemplate measures like this to update some of those penalty provisions but equally to ask the question as to whether that Act, which remains one of the most important Acts on our books, remains fit for purpose.

I recall at my first budget estimates—and perhaps the Minister's first budget estimates—questioning the Minister about various parts of the Taxation Administration Act and whether certain penalties had been levied. I am glad that as a result of some of that scrutiny, we have this bill before us. It is a good example of how a constructive interaction between government and opposition can make the case for law reform. While the bill is a good first step, Labor will be seeking to strengthen its provisions through amendments.

The reason is that through an order for the production of documents—which caused some controversy in this place—the Opposition learnt about the audit processes undertaken by Revenue NSW, especially those processes relating to wage theft. I recall requesting documents nearly two years ago relating to those business that have been publicly identified as systematically underpaying their workers. Those companies include Domino's, Woolworths, Coles and many others. That order for the production of documents revealed that Revenue NSW is not properly equipped to identify wage underpayments. When Revenue NSW is not picking up on wage underpayments, it cannot recognise the underpayment on non-payment of payroll tax.

In the worst case of wage theft known in Australia so far, Woolworths declared that it had underpaid workers \$390 million for nearly a decade. Revenue NSW estimates that 40 per cent of that underpayment occurred in this State. That means more than \$8 million was lost in State revenue as a result of Woolworths' underpayment of its workers and under-declaration of its wages for the purposes of payroll tax. Just in case any member is in any doubt as to the magnitude of what \$8 million means to the State budget, it means 132 nurses per year. However, when Revenue NSW undertook an audit of Woolworths in 2016—the last time Revenue NSW audited Woolworths—at the same time that Woolworths was underpaying staff, Revenue NSW did not identify the underpayments. Actually, Woolworths walked away with a tax refund of more than \$620,000.

The Minister and I are both passionate about franchise reform—I accept that—and one thing we can agree on is that a better balance needs to be struck between the obligations of franchisors and franchisees. I know that in the Minister's personal practice prior to his election to Parliament he spent some time on this issue, and that expertise should be acknowledged. We should be talking about the context of one franchise system in New South Wales that is quite renowned, and that is Domino's which has 240 stores in New South Wales. It is also renowned as one of Australia's worst wage thieves—a fact that came to light in 2015. Domino's was identified as having an

economic model that meant the only way in which franchised shops could remain profitable would be to effectively pay people either under the books or off the books and certainly not in a manner that is accounted for.

It is the case that Domino's has been subject to some serious scrutiny as a result, as well as some serious prosecutions from the Fair Work Ombudsman. Domino's admits that aspects of its franchise chain did engage in systemic wage theft. It of course disputes how systemic it was, but it is beyond doubt. Domino's and 7-Eleven are the two best examples of why this is such a bad problem. Sadly, though, Revenue NSW audited only four stores—or two franchisees—in New South Wales in 2016 and 2017, which was a year after the Domino's wage scandal came to public light. Less than 2 per cent of stores across the State were audited. Domino's Pizza Enterprises, the master franchisor, has been audited once since this wage theft in its network came to light and that took place in 2018-19. In the 2018-19 tax year Domino's Pizza Enterprises, after all the wage theft scandals came to light and it was audited by Revenue NSW, walked away with a tax refund of almost \$40,000.

In response, Revenue NSW has stated that the obligation is on the franchisee, not the franchisor, and that few franchisees are over the threshold. Whilst the Opposition accepts that businesses under the threshold have no legal obligation whatsoever to pay payroll tax—that is obvious—the problem is that so many of those stores have constructed legal arrangements in a way that meant that they remained below the threshold. That is, Revenue NSW did not properly check whether the grouping provisions are being properly applied.

The Opposition sought an inquiry to look into this bill. We asked the chief commissioner—who, to be fair to him, was not in the position at the time—and Revenue NSW why it is the case that just four out of 200-plus stores were audited and why some of those franchises never had their grouping provisions properly checked. The chief commissioner took the questions on notice, and, to be fair to him, he was not in a position to answer.

The Hon. Damien Tudehope: He has since answered.

The Hon. DANIEL MOOKHEY: I accept the interjection that he has since provided answers on notice. There is no suggestion whatsoever that there is bad faith on the part of the Chief Commissioner in responding to our inquiries. But it is fair to say that those answers were not particularly adequate, certainly from the Opposition's perspective. There are countless more examples of wage theft that have taken place in our communities: Wesfarmers, through its Coles and Liquorland outlets, underpaid an estimated \$30 million. 7-Eleven underpaid an estimated \$173 million. Qantas admitted to underpayments of \$7 million, Sunglasses Hut \$2.3 million, Michael Hill Jewellers \$25 million, Super Retail Group \$61 million, the Commonwealth Bank \$53 million, Rockpool Dining Group \$10 million and Caltex at least \$5.7 million. That list alone totals \$367 million in entitlements not paid to employees, and they are just the cases that we know of. It is fair to say that some of those companies have never been audited by Revenue NSW since the scandals came to light.

That does raise questions as to whether this issue is being dealt with by Revenue NSW with the urgency that it deserves, especially as the current taxation administration has a statute of limitations. That means that because Revenue NSW was not quick to act, those companies are likely to get away with it, regardless of whether or not we pass the bill. I accept that the bill is about to remove that statute of limitations, which is a welcome step. But let us be clear here: It is too little, too late. So many of those wage thieves or people who have underpaid will get away with it, because frankly Revenue NSW was not fast enough to act and use its existing powers when the matters came to public light. The Opposition accepts that Revenue NSW is not an industrial investigator. I make that very clear. It is not Revenue NSW's job to do what is the Fair Work Ombudsman's job at a Commonwealth level or the NSW Industrial Relations' job at State level under the State Act. But to call this a bill about wage theft is overreach.

If we cannot identify who is engaging in wage theft, how can we identify who is evading payroll tax? That brings me to the amendments that the Opposition intends to introduce. Labor intends to broaden the opportunities for Revenue NSW to investigate suspected tax evasion through wage underpayments. While I will explain far more at the Committee stage, the Opposition will move an amendment that will allow Revenue NSW to begin an audit where the Fair Work Ombudsman has either finalised an investigation or commenced an investigation. That is an important shift. Labor will also seek to add a provision for when no investigation has been carried out by the Fair Work Ombudsman but the Chief Commissioner is satisfied that the employer has underpaid wages and payroll tax has not been correctly assessed.

Further, Labor will move amendments that omit the use of ministerial guidelines and instead favour regulation. That gives greater power to Parliament to oversight the powers, particularly the name-and-shame powers, that are being proposed in this bill. Such an amendment arises out of advocacy from Business NSW, the Australian Industry Group and Unions NSW. Labor will advocate for greater tax transparency, requiring a report with the top 200 taxpayers for payroll tax and the amount that they are paid. They are similar provisions to those that currently apply to the Australian Taxation Office. We cannot have a serious conversation about tax reform in

New South Wales without knowing the details of the revenue streams. But equally, those companies that are paying payroll tax and are doing the right thing deserve the kudos and respect that comes from that.

Any serious conversation about payroll tax, which has to happen in this State—we have to start a serious conversation about payroll tax reforms sometime—needs to be informed by fact as to precisely who is paying what and how much they are paying. Lastly—and I know my friend, the Hon. Adam Searle, cares deeply about this—Labor will move amendments that make wage theft a criminal offence. If an employee steals from a till, they face criminal charges. But if an employer steals from an employee's pocket, they go unpunished. Similar laws have already been applied in Queensland and Victoria. I said earlier that the Minister said that \$1.35 billion each year is lost from people's pay pockets as a result of wage theft. That is an astronomical figure to be punished effectively by just a slap on the wrist. The Opposition will further outline these amendments in the committee stage.

While it is the Opposition's intention to strengthen the bill with amendments, I thank the Minister for bringing the legislation to the House. It is a good first step to stamp out wage theft in our State. As always, I thank the Minister and his staff for their professional courtesy extended to the Opposition. I also extend my thanks to Revenue NSW, the Chief Commissioner of State Revenue and Commissioner Smythe for their briefings to us. I acknowledge Unions NSW, Business NSW and the Australian Industry Group for their input to improving the bill, as well as the National Retail Association and others who made contributions to the inquiry. Finally, I thank Michael Fraser and Maddison Johnstone. Their work revealing wage theft in our community is worthy of great applause. We on this side are not going to be pigheaded about our amendments. We are looking forward to further dialogue on them. We have set our objectives here in the second reading debate but as always we are pragmatic about making sure that our laws are tougher and fit for purpose and, of course, we engage in that dialogue with the Government in good faith.

Ms ABIGAIL BOYD (22:21): On behalf of The Greens I speak briefly on the bill. The ill-named Tax Administration Amendment (Combating Wage Theft) Bill 2021 is a welcome start to tackling wage theft in our State but it does not do nearly enough to tackle the actual problem of wage theft to claim to be combating it. Unlike Queensland and Victoria, each of which have taken actual steps to criminalise wage theft, the bill simply focuses on the collection of payroll tax. It does not focus on whether the amount paid to workers is the correct amount, only whether the amount paid in payroll tax is the correct amount. It focuses on the harm caused to the State through loss of revenue and not the harm caused to workers through exploitation and the underpayment of wages.

It should be called the Tax Administration Amendment (Combating Underpayment of Payroll Tax) Bill or something similar. That said, it is a beginning. The Greens will support the bill but are looking forward to debating the amendments proposed to the bill—both ours and those of the Opposition—which will strengthen it and take it some way closer to addressing the actual harm that wage theft causes and ensure that employers exploiting workers are held accountable for their behaviour.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

HOMOSEXUALITY DECRIMINALISATION

The Hon. TREVOR KHAN (22:23): This morning I had the opportunity to read a tweet. I will not identify the tweeter, but the tweet said, "Good to see the flags of a contested political cause finally gone from the foyer of New South Wales Parliament House." The flags being referred to were the rainbow flags that were on the reception counter of the Legislative Assembly. I have no understanding of why they are gone but I think it is interesting that that tweet was posted on this date, which is an important anniversary. It is 37 years ago today that the Crimes (Amendment) Act 1984 was assented to. It was this bill that decriminalised homosexual acts between consenting adults in New South Wales.

To put the date into context, I completed my undergraduate law degree some three years earlier in 1981. As a footnote, it should be recognised that one of the earliest recorded European criminal trials and penalties in Australian history was an allegation of homosexual conduct. In 1727 the Dutch ship *Zeewijk* ran aground off the Western Australian coast. The survivors set up camp on Gun Island in the Houtman Abrolhos group. On 1 December 1727 a ships officer, Adriaan van der Grafee, recorded the trial of Adriaen Spoor and Pieter Engels,

both aged in their mid to late teens. They had been tried for what were said to be their "abominable and godforsaken deeds". Because the youths denied the allegations, the officer wrote in his journal:

Wherefore, we placed burning fuses between all their fingers. But being obstinate they would no more confess. So, upon due consideration, we resolved with the entire Council and consent of the Common Hands, to place these men apart on one of the northernmost islands.

Put simply, those young men were effectively sentenced to death. Sadly, from the time of the establishment of the colony in New South Wales, the records are replete with examples of severe punishments imposed on prisoners and settlers for homosexual acts. Thus, for many members of the LGBTI community, the passage of the Crimes (Amendment) Act 1984 was the culmination of a long campaign. That campaign included the march held on 24 June 1978. Although the organisers of the march had obtained permission, it was revoked. The march was broken up by the police and 53 of the marchers were arrested. Those surviving members of that march are known to this day as the '78ers. Sadly, by the time decriminalisation was effected, the scourge of AIDS had taken hold. The first AIDS diagnosis in Australia was in 1982. Following the introduction of HIV testing in 1985, cases of newly diagnosed HIV infection continued and peaked in about 1987, before gradually declining, largely as a result of an effective testing regime.

During my time in this place the campaign for an equality of rights for the LGBTI community has continued. That effort has included the passing of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008; the Relationships Register Bill 2010; the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2); the Criminal Records Amendment (Historical Homosexual Offences) Bill 2014; the Crimes Amendment (Provocation) Bill 2014; and the Miscellaneous Acts Amendment (Marriages) Bill 2018.

These reforms have been achieved through the work of many people in this Chamber—members from both sides and the crossbench. All of us have worked to improve the respect and dignity afforded to our fellow citizens. It has been an honour and a pleasure to work with each and every one of those people. In closing, I acknowledge all those who are no longer with us, particularly those who were taken early during the AIDS crisis. Among those who were taken by that terrible scourge were three young men whom I knew. I have no doubt that it was the stigmatisation and discrimination that impacted the LGBTI community in those days that exacerbated the crisis and led to so many needless deaths.

ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

The Hon. SHAOQUETT MOSELMANE (22:28): Australia has a devastatingly violent and deadly history when it comes to the treatment of our Aboriginal and Torres Strait Islander people. Since 1788 Aboriginal and Torres Strait Islander people have been subject to incomprehensible atrocities and have had their culture and their way of life almost eliminated. From the bloody onslaught at the time of British invasion right through to the inequality that continues to permeate society, First Nations people continue to be let down by our governments.

Reconciliation Week 2021 offers an opportunity to pause and consider this harrowing past. In the past few decades there have been major historical milestones in Australia's journey to reconciliation. The 1967 referendum saw 90.77 per cent of Australians vote "yes" when asked whether the Australian Government should be able to legislate on behalf of First Nations people and whether they should be included in the census. The historic Mabo decision that ruled that Australian land was not terra nullius at the time of colonisation led to the establishment of the Native Title Act in 1993.

In 2008 then Prime Minister Kevin Rudd gave the Apology speech. Despite these advancements, Indigenous Australians continue to be over-represented in statistics of incarceration, health issues, low education and a plethora of other categories. This year, in 2021, the theme of reconciliation week is: "More than a word. Reconciliation takes action." So what does active reconciliation look like? Karen Mundine, the CEO of Reconciliation Australia, stated:

Reconciliation isn't a single moment or place in time. It's lots of small, consistent steps, some big strides, and sometimes unfortunate backwards steps ...

This sentiment is reflected in the strategic direction of Reconciliation Australia. It has five pillars of reconciliation: race relations, equality and equity, institutional integrity, unity, and, finally, historical acceptance. Each of these pillars aligns with a desired aim and action plan for one day achieving a reconciled nation. At the forefront of all of these is the need to amplify and prioritise First Nations voices in guiding these endeavours. One way of achieving this is through the establishment of a treaty that formalises the expectations of a relationship. Australia is the only Commonwealth nation to not have a treaty with its Indigenous population. It is widely believed that a treaty in Australia would address issues of sovereignty, land rights, shared power, the need for a guaranteed voice in government, recognition, ownership, reform and entitlements. Not only would the establishment of a treaty in Australia have these tangible impacts, which would contribute toward reconciliation, it would also be a symbolic gesture of the intent to change.

Bob Hawke is fondly remembered by Aboriginal and Torres Strait Islander people for his attempts to establish a treaty, which were ultimately hindered by resistance. Nevertheless, the *Barunga Statement* served as an important reminder that there was the potential for change in the appropriate political landscape. More recently, in 2017 the *Uluru Statement from the Heart* saw Aboriginal and Torres Strait Islander people from across Australia come together in a historical moment of unification. The statement was a powerful call to action from the First Nations people to the Australian Government and population. The concluding statement in the document is:

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

The main objective of the statement was to enact constitutional change that enshrined First Nations voices into Parliament. This action would ensure that First Nations people were involved in policymaking decisions that affected them. What the *Uluru Statement from the Heart* highlighted was that the journey of reconciliation would be impossible if the voices of Australia's First Nations people are not included. To achieve a reconciled Australia, Aboriginal and Torres Strait Islander people will need to be given the platform, opportunity and legitimacy to guide and advise conversations about their experiences in this nation. The Victorian Government has paved the way through the recent adoption of the Advancing the Treaty Process with the Aboriginal Victorians Bill 2018. It established the necessary framework for beginning the treaty-making process. If Victoria, South Australia and Northern Territory can start the process, why can't we?

SYDNEY BURIAL PLOTS SHORTAGE

The Hon. SCOTT FARLOW (22:33): In 2018 I chaired the inquiry into the Cemeteries and Crematoria Amendment Regulation 2018. In my foreword to that report, I reflected:

What happens to our bodies when we "shuffle off this mortal coil", in the words of William Shakespeare, is an issue that nobody is keen to consider. However, the operators of our cemeteries, crematoria and those in the funeral industry confront this issue every day. As Parliamentarians, we too need to confront this issue ...

While that committee looked at the regulations governing renewable internment, it was impossible for the committee to neglect the issue at the heart of those regulations. That issue is that we are running out of burial space in Greater Sydney. In its findings, the committee found that there is a significant need for additional burial space—an issue that remains today, as evidenced by the findings of the statutory review *The 11th Hour*. At the time, in 2018, we heard that land for perpetual burials for the Maori and Mandeian communities would most likely be exhausted in five years, while land for the Jewish, Muslim and Russian Orthodox communities would run out in 10 years.

Three years on that need is more desperate than ever. The Jewish community has expressed the belief that it will exhaust its burial space within five years—on some estimates in as little as three years—due to the increased demand for burials in the Jewish section at Rookwood Cemetery. In early 2020, after eight years, the sod turning took place for the Macarthur Memorial Park, a project of the Catholic Metropolitan Cemeteries Trust. That project was supported by the NSW Jewish Board of Deputies and the Muslim Cemetery Board, which had a memorandum of understanding in place and saw it as the only imminent answer to delivering additional burial spaces for their communities. In March of this year the project was put on hold. The Catholic Metropolitan Cemeteries Trust should be allowed to get on with the job of building essential burial space. The Macarthur Memorial Park will provide space for 136,000 plots, which are desperately needed. It is the only shovel-ready project on foot to provide more burial space.

Culturally appropriate burial practices are important. They matter deeply to people of faith and to people from many of our multicultural communities. For more than 150 years families have entrusted the Catholic Metropolitan Cemeteries Trust with the responsibility of caring for their loved ones after they have passed. They are not only Catholic families but also families of the Buddhist, Jewish, Maronite, Muslim and Orthodox faiths. Those faiths have also put their trust in the Catholic Metropolitan Cemeteries Trust as an organisation of faith to administer respectfully their particular faith tradition and practices. Personally I can say that I have no vested interest in the matter. I am an Anglican, my church allows cremation, my immediate deceased family are largely cremated and that is my intention also. I do not know of any family members who are buried in a Catholic cemetery.

I am pleased that the Minister and the Government have indicated that they will consult further with all faith communities, particularly the Catholic Metropolitan Cemeteries Trust. Amalgamating all of the Crown trusts is a step too far. *The 11th Hour* report highlighted that two of the four Crown operators are not able to fund their obligations to maintain their cemeteries to current standards in perpetuity and that three of the four Crown operators are unlikely to be able to meet key objects of the Act in the short term. There is no doubt that the Government must deal with this issue.

In contrast, the Catholic Metropolitan Cemeteries Trust stands out as a beacon. After managing cemeteries for over 153 years, the trust has set up its operations in a sustainable, prudent and planned way to ensure that it can meet its mission. The Catholic trust is the only trust that the report identifies as being in surplus and as having managed its operations in a way that guarantees its ability to maintain its cemeteries perpetually into the future. Indeed, the Catholic trust has \$140 million set aside for perpetual care and is the only trust that is developing new burial space, which it claims can accommodate burial needs for 50 years. But the OneCrown proposal took the one successful operator, the one trust that is managing its facilities in a sustainable and financially responsible manner, to prop up all the others, which is why I described the proposal as "robbing Peter to pay Paul".

As raised by the Catholic Cemeteries Board, why merge the one successful performer with the underperformers that are funds deficient and land poor? There are other proposals on the table that deserve serious consideration when considering such a pressing issue. I believe that the OneCrown (1c) proposal of *The 11th Hour* report should be adopted, under which the Catholic Cemeteries Board would continue its important role and another operator would jointly manage the combined assets. It would create competitive tension and the ability to manage interfaith requirements across all assets. It would also result in the reforms required to address the efficiency issues that have beset operators and provide sustainability and much-needed additional burial space. I commend the Premier, Deputy Premier and Minister for listening to the community and for undertaking further consultation to ensure that we can provide desperately needed burial space and lower burial costs and that our trusts are sustainable into the future.

ISRAEL-PALESTINE CONFLICT

The Hon. ANTHONY D'ADAM (22:38): Millions of people around the world are calling for action to address the causes of recent hostilities in Israel and Palestine. Conflict between 10 May and 21 May killed hundreds of civilians, including refugees and children, destroyed the offices of Al Jazeera and severely worsened Palestinian civilians' access to basic amenities. The United Nations, Amnesty International and the International Federation of Journalists all condemned the Israeli military's role in the conflict on human rights grounds. The origins of the hostilities lie in longstanding conflicts between Palestinian and Israeli landholders in East Jerusalem, specifically the Sheikh Jarrah neighbourhood. For decades the area has been a microcosm of ethnic, religious and legal disputes concerning access to and settlement within one of the most important religious places in the world. Over the course of several decades the Israeli Government has succeeded in expelling Palestinian families from the area through forced relocation processes.

On 6 May 2021 Palestinians began to stage large protests in East Jerusalem in anticipation of a Supreme Court decision that was expected to evict six Palestinian families from Sheikh Jarrah. The Israeli police responded to the protests by storming Islam's third most holy site, the Al-Asqa Mosque, and firing stun grenades and tear gas at worshippers during Ramadan. These events rapidly escalated into a military exchange between Hamas and the Israeli defence force. The United Nations observed that eight Israelis and 256 Palestinians were killed during the conflict. Fifty thousand Palestinians were rendered homeless and 1,165 buildings were partially or wholly destroyed, including nine hospitals. United Nations staff described the relentless airstrikes against densely populated areas as "hell on earth". In the midst of the conflict, Israeli Defence Minister Benny Gantz remarked, "Israel is not preparing for a ceasefire ... only when we achieve complete quiet can we talk about calm."

The devastating impact of these events motivated people around the world to take action in solidarity with civilians caught in the conflict. Some 14,000 Australians wrote to members of Parliament in just two days demanding that Australia call on Israel to stop the bombing and implement sanctions if it does not. Similar initiatives around the world, coupled with pressure from human rights organisations, secured a ceasefire from 21 May 2021. While the conflict has stabilised since the ceasefire, the discriminatory land regime at its foundation remains in place. The Sheikh Jarrah hostilities highlight that dispossession of Palestinian homes in the occupied territories denies the possibility of lasting peace in the Middle East. On 20 May 2021 the president of the Australian Palestinian Advocacy Network, Bishop George Browning, said:

To stop violence, we need to address the root cause of violence. Israel must end the occupation and be held to account for the human rights violations it is continually committing against the Palestinian people, including what global human rights organisations have called the crime of apartheid.

The effects of Israel's discriminatory planning regime are felt most acutely in the occupied territories. However, it is important to acknowledge that Arab citizens within Israel face similar discriminatory arrangements. A recent Human Rights Watch report notes that while Palestinian Israelis constitute 21 per cent of the nation's population "less than 3 per cent of all land in Israel falls under the jurisdiction of Palestinian municipalities". The report also describes how the Israeli State has zoned large sections of Palestinian towns and villages for agricultural use or as green areas and prohibited residential buildings in them and built road and other infrastructure projects that impede expansion.

The effect of Israel's domestic legal system has been to dispossess Palestinian communities of their homes and impacted their access to water and employment. These circumstances compound the socioeconomic marginalisation of Arabic citizens, who are swept away into unrecognised informal settlements where their homes face the constant threat of demolition. The international community must consider the implications of these two forms of dispossession. Eroding the integrity of the Palestinian occupied territories will mean that Palestinians will be second-class citizens who are subject to a discriminatory legal system in Israel. This situation is incompatible with the principles of human rights law. On that basis, the international community must resolve the fundamental causes of violence and insist upon an urgent resolution to the question of Palestinian statehood.

REGIONAL LABOUR SHORTAGE

The Hon. ROD ROBERTS (22:42): I speak on an important matter that I have been following closely in the past couple of months and that I have noticed is getting more serious due to inaction by the Government. The issue I am referring to is the crisis that is developing in regional New South Wales resulting from a chronic shortage of workers. I have spoken in this place before about fruit being left to rot on the vine because there is simply not enough people to pick it. I am pleased that the Government is starting to wake up to the problem and is allowing a small number of agricultural workers into New South Wales. However, this piecemeal approach is simply not good enough. Businesses in our regions are crying out for workers, and the Government continues to drag the chain.

Furthermore, the labour shortage extends beyond the agricultural sector. On a recent trip through regional New South Wales, all I kept hearing from small business owners was, "We can't get the workers." It is these small businesses that keep together the fabric of regional communities and are the lifeblood of our economy. I recount to the House real stories from the bush, from people such as Jack Evans of the Orange Business Chamber who has said that jobs in Orange that would normally attract two dozen resumes are now getting less than half those applicants. Serena Hardwick from the Wagga Wagga Business Chamber said the town's economy was booming thanks to Sydney white-collar workers moving to town, but rising house prices, rental shortages and the increased demand for services were putting a strain on the already depleted local workforce. Jacquie Smith from Wheeler's Seafood and Oyster Bar in Pambula would like to increase her business but she is unable to find waitstaff.

Pubs and clubs also are struggling to find staff, with cooks becoming increasingly hard to find. Peter Griffiths from the Astor Hotel Motel in Albury and Campbell Gibson from the Elephant and Castle Hotel in Bathurst relayed the same problems to me: "We just can't find any staff." Those stories are backed up by data, with the National Skills Commission Vacancy Report from May this year stating that there has been a 120 per cent increase in job ads compared with pre-COVID levels. Kerrienne Nichols, whom I met in Dubbo, owns a number of hospitality venues and is struggling to recruit cooks, chefs and housekeepers. Kerrienne's story is repeated all across our regions. I note an article in *The Daily Telegraph* of 26 May in which cafe owner Karen Williams from The Courtyard Cafe in Berrima in the Southern Highlands said that she would like to open earlier and trade on Friday and Saturday nights but cannot get the staff. Again, the data shows that in the Southern Highlands and Snowy Monaro regions there has been a 104 per cent increase in job ads compared with pre-COVID levels.

With more and more Australians choosing to holiday at home due to the effects of the global pandemic, there is now a perverse situation where business is booming in our regions but there is no-one to make the coffees, clean the motel rooms or work behind the bar. It pains me to say it, but those jobs are not being taken up by Australians. It is simply the case that many businesses in New South Wales rely on migrant workers to fill vacant positions. With vaccinations occurring around the world, the Government must urgently consider setting up a system to allow into New South Wales migrant workers who have been vaccinated. Quarantine hubs could be constructed that operate separately from the current system for returning residents. The quarantine centres could be built from portable housing units, each with their own air conditioner and amenities, to ensure that there is no chance of the spread of any virus. This is a simple, cost-effective solution to the labour shortage. I urge the Government to work cooperatively with its Federal counterpart to ensure that we have the workforce we need not only for the post-COVID future but for now.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:46 until Wednesday 9 June 2021 at 10:00.