



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 9 June 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 9 June 2021

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

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

Sessional Orders

COMMUNICATION OF ORDER FOR PAPERS

The Hon. ADAM SEARLE: I move:

That, during the current session and unless otherwise ordered, when an order for papers is directed to an entity which is not subject to ministerial direction or control, the Clerk is to communicate the order to the Department of Premier and Cabinet and the named entity.

Motion agreed to.

Committees

PROCEDURE COMMITTEE

Reference

The Hon. ADAM SEARLE: I move:

- (1) That the Procedure Committee inquire into and report on:
 - (a) whether the current sessional orders should be adopted as standing orders;
 - (b) whether any current standing orders require amendment; and
 - (c) whether any additional standing orders should be adopted.
- (2) That the committee propose a draft revised set of standing orders for consideration by the House.
- (3) That the committee report by the first day of the second sitting week of 2022.
- (4) That, in the event that the Procedure Committee fails to report by the due date, the President be authorised to table a draft revised set of standing orders for consideration by the House and subsequent approval by the Governor.

Motion agreed to.

Documents

WAGES POLICY TASKFORCE

Tabling of Report of Independent Legal Arbiter

The Hon. ADAM SEARLE: I move:

- (1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 28 May 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the Wages Policy Taskforce, be laid on the table by the Clerk, together with the submissions received by the arbiter.
- (2) That, on tabling, the report and submissions be published.

Motion agreed to.

NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY

Tabling of Report of Independent Legal Arbiter

The Hon. MARK BANASIAK: I move:

- (1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 2 June 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the Narrandera to Tocumwal rail line reopening feasibility study, be laid on the table by the Clerk, together with the submissions received by the arbiter.
- (2) That, on tabling, the report and submissions be published.

Motion agreed to.

REVENUE NSW**Tabling of Report of Independent Legal Arbitrator**

The Hon. DANIEL MOOKHEY: I move:

- (1) That the second report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 26 May 2021, on the disputed claim of privilege on documents relating to an order for papers regarding Revenue NSW Investigations, be laid on the table by the Clerk, together with the submissions received by the arbitrator.
- (2) That, on tabling, the report and submissions be published.

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT****Extension of Reporting Date**

Ms CATE FAEHRMANN: I move:

That the reporting date of Portfolio Committee No. 7 - Planning and Environment for its inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 be extended to 10 September 2021.

Motion agreed to.

*Documents***WATER MODELLING****Production of Documents: Further Order**

Ms CATE FAEHRMANN (10:07): I move:

- (1) That this House notes:
 - (a) that on Friday 14 May 2021, the Clerk received correspondence from the General Counsel of the Department of Premier and Cabinet, in response to an order of the House of Wednesday 5 May 2021 for the production of papers regarding water modelling, stating that there are no Ministers of the Crown currently commissioned as the "Minister for Water" and the "Minister for the Environment" and that this matter should be brought to the attention of the House so that the resolution may be amended to properly identify the relevant Ministers; and
 - (b) that on Wednesday 2 June 2021, the Secretary of the Department of Premier and Cabinet lodged with the Clerk documents from the Department of Planning, Industry and Environment and WaterNSW, further stating that the "resolution does not appear to compel any current Ministers of the Crown to provide documents to the House. The Offices of the Minister for Water, Property and Housing and the Minister for Energy and Environment are ready to provide documents to the House if the order is amended to correctly name those Ministers".
- (2) That this House:
 - (a) notes the longstanding practice that every order for papers is communicated to the Leader of the Government in the Legislative Council as the Minister ultimately held accountable for the Government's compliance with orders for the production of documents under Standing Order 52;
 - (b) notes the many examples of orders for papers directed to "the Government" being complied with; and
 - (c) does not concede that the identification of a responsible Minister is necessary to render valid an order for papers.
- (3) That, under Standing Order 52, there be laid upon the table of the House within 7 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Water, Property and Housing and the Minister for Energy and Environment;
 - (a) all documents, correspondence and advice including email attachments since 1 January 2018 relating to the following in each valley within the Murray Darling Basin:
 - (i) hydrological modelling results of growth in use estimates;
 - (ii) decisions around Annual Water Determinations;
 - (iii) amendments to baseline diversion limits or sustainable diversion limits; and
 - (iv) amendments to the modelling of 1993/94 levels of development.
 - (b) all documents, correspondence and advice including email attachments relating to the accreditation of water resource plans by the Murray Darling Basin Authority since 1 January 2018; and
 - (c) all modelling reports of floodplain harvesting volumes for each valley since 1 January 2016.

Motion agreed to.

*Committees***COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION
AND THE CRIME COMMISSION****Membership**

The Hon. DON HARWIN: I move:

That Mr Trevor Khan be discharged from the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission and Mr Peter Poulos be appointed as a member of the committee.

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

LEGISLATION REVIEW COMMITTEE**Membership**

The Hon. DON HARWIN: I move:

That under section 5 of the Legislation Review Act 1987, Mr Trevor Khan be discharged from the Legislation Review Committee and Mr Sam Faraway be appointed as a member of the committee.

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

*Documents***TABLING OF PAPERS**

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

Multicultural NSW Act 2000—Report of Multicultural NSW entitled *Community Relations Report 2019-2020*.

I move:

That the report be printed.

Motion agreed to.

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 8 June 2021.

REVENUE NSW**Report of Independent Legal Arbiter**

The CLERK: According to the resolution of the House this day, I table the second report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 26 May 2021, together with submissions received by the arbiter, on the disputed claim of privilege on documents relating to Revenue NSW investigations.

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

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 28 May 2021, together with submissions received by the arbiter, on the disputed claim of privilege on documents relating to the Wages Policy Taskforce.

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

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 2 June 2021, together with submissions received by the

arbiter, on the disputed claim of privilege on documents relating to the Narrandera to Tocumwal Rail Line reopening feasibility study.

Petitions

PETITIONS RECEIVED

Katoomba Airfield Commercial Lease

Petition requesting the Legislative Council call on the Government to reaffirm the decision made by Crown Lands in January 2020 to reject a helicopter-based commercial lease over Katoomba Airfield, to cease offering any further commercial leases for any purpose over this land, and to honour historical support for incorporation of the airfield as part of the Greater Blue Mountains World Heritage Area, received from **the Hon. Adam Searle**.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SHAYNE MALLARD (10:20): I move:

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

- (1) Private members' business item No. 1052 standing in the name of the Hon. Mark Banasiak relating to the Rock Fishing Safety Amendment Bill.
- (2) Private members' business item No. 1220 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the Transport Asset Holding Entity of New South Wales.
- (3) Private members' business item No. 1227 standing in the name of the Hon. Tara Moriarty relating to an order for papers regarding the statutory review of the Cemeteries and Crematoria Act 2013.
- (4) Private members' business item No. 1232 standing in the name of Mr David Shoebridge relating to the Special Commission of Inquiry into the Luna Park Ghost Train tragedy.
- (5) Private members' business item No. 1195 standing in the name of the Hon. Catherine Cusack relating to the Keeping Women Out of Prison Coalition Breakfast.
- (6) Private members' business item No. 919 standing in the name of the Hon. Mark Pearson relating to animals in war.
- (7) Private members' business item No. 1240 standing in the name of the Hon. Rod Roberts relating to the censure of the Leader of the Government for non-compliance with an order for papers regarding an incident on Lockyer Street, Goulburn.
- (8) Private members' business item No. 1214 standing in the name of the Hon. Adam Searle relating to a further order for papers regarding demerger proposals for the Snowy Valleys Council and Cootamundra-Gundagai Regional Council.
- (9) Private members' business item No. 1231 standing in the name of the Hon. Courtney Houssos relating to a further order for papers regarding before and after school care and vacation care.
- (10) Private members' business item No. 1230 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding public schools in Western Sydney and South-West Sydney.
- (11) Private members' business item No. 1125 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Education - Key Facts document.
- (12) Private members' business item No. 1128 standing in the name of the Hon. Mark Banasiak relating to an annual inquiry by Portfolio Committee No. 4 – Industry.
- (13) Private members' business item No. 1229 standing in the name of the Hon. Taylor Martin relating to the NRL Beanie for Brain Cancer Round.
- (14) Private members' business item No. 1237 standing in the name of Ms Abigail Boyd relating to Advent Energy's Petroleum Exploration Permit (PEP-11) project.
- (15) Private members' business item No. 1234 standing in the name of the Hon. Ben Franklin relating to the Regional Youth Orchestra NSW.
- (16) Private members' business item No. 1239 standing in the name of Mr Justin Field relating to an order for papers regarding the proposed Limeburners Creek Dam and Upper Chichester Dam.
- (17) Private members' business item No. 1228 standing in the name of the Hon. Mark Latham relating to the commencement of mandatory blood testing.
- (18) Private members' business item No. 1218 standing in the name of the Hon. Lou Amato relating to Transport Heritage NSW.

- (19) Private members' business item No. 1173 standing in the name of the Hon. Penny Sharpe relating to the Justice Advocacy Service and Cognitive Impairment Diversion Program.
- (20) Private members' business item No. 1069 standing in the name of the Hon. John Graham relating to road tolls.
- (21) Private members' business item No. 1222 standing in the name of Ms Cate Faehrmann relating to feral horses in Kosciuszko National Park.
- (22) Private members' business item No. 1148 standing in the name of the Hon. Mark Latham relating to an order for papers regarding the Sydney Science Park proposal.
- (23) Private members' business item No. 1212 standing in the name of the Hon. John Graham relating to the mobile speed camera program.
- (24) Private members' business item No. 891 standing in the name of the Hon. Emma Hurst relating to the Prevention of Cruelty to Animals Amendment (Increased Penalties) Bill 2020.
- (25) Private members' business item No. 952 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Berry Patch Preschool and Long Day Care Centres.
- (26) Private members' business item No. 1009 standing in the name of Mr David Shoebridge relating to an order for papers regarding the Public Inquiry into North Sydney Council.
- (27) Private members' business item No. 1238 standing in the name of Ms Abigail Boyd relating to a Fossil Fuel Non-Proliferation Treaty.

I indicate that it has been agreed that private members' business items at paragraph Nos (2) to (23) and (25) to (27) will be considered in the short form format.

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

Motion agreed to.

Bills

ROCK FISHING SAFETY AMENDMENT BILL 2021

First Reading

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

Second Reading Speech

The Hon. MARK BANASIAK (10:25): I move:

That this bill be now read a second time.

Today I introduce very important amendments to the Rock Fishing Safety Act 2016. The purpose of these amendments is to further protect the lives of those who participate in the much-loved sport of rock fishing. Too often we see lives lost because those who participate in rock fishing are not armed with the safety knowledge needed to partake in the sport. This bill attempts to arm them with the knowledge to protect themselves from the danger that nature can sometimes throw at us. When the Government introduced the Rock Fishing Safety Act 2016 it was true to form for a government that hates fishermen. The legislation was uninformed and unsuited to protect rock fishers. The legislation made it so that a life jacket was all that was required for safety equipment and that was that. Under the Government's half-baked Act we have lost lives.

To protect yourself whilst rock fishing takes much more than a life jacket. It requires safety equipment and proper education. Participation and volunteer groups demanded this from the Act. Individual rock fishers demanded this from this Act. In fact, around \$400,000 in New South Wales recreational fishing licence fees from the Recreational Saltwater Fishing Trust fund was allocated to collaborative rock fishing safety, education and awareness programs. They all demanded a safety-first approach. These programs targeted how to safely fish from New South Wales coastal rock platforms. The programs included important messaging aimed at improving the knowledge of fishers, understanding coastal weather patterns, safety apparel and other key safe fishing devices to assist rock fishers in fishing safely.

In fact, the Recreational Fishing Alliance of NSW produced an educational video titled *Don't Put Your Life on the Line*. This video has not only educated many rock fishers but it could have, and most certainly should have, been used to educate and inform the Government when it was drafting its half-baked Rock Fishing Safety Act 2016. The video was so successful that other States picked it up, and even other countries adopted it as their guide to best practice. Unfortunately they were ignored and, as usual, not consulted by this Liberal-Nationals Government, which only seems to be interested in creating more marine parks. Encouraging more fishing or providing fishers with the safety tools needed would only get in its way.

The Rock Fishing Safety Act that followed contradicted best practice and removed any reference to appropriate footwear and other safe rock-fishing apparel. Common sense tells us that all forms of flotation equipment—be they life jackets, life vests or wetsuits—are sufficient pieces of safety equipment to be used for rock fishing. Again, despite the many campaigns by participating and experienced rock fishers, best practice advice that asked to assess and test various types of life jackets was ignored, despite their requirement under the Act. Likewise, common sense tells us suitable footwear is as important as life jackets, life vests and wetsuits when rock fishing, yet footwear, life vests and wetsuits were completely overlooked.

For the purpose of this bill, I would like all members to imagine they are rock fishing on a slippery and wet ocean ledge. It might be hard for some honourable members and city-dwelling birds who rarely see the ocean and despise fishing, but for the safety of others let us try. You decide to throw a line in at your local rock fishing spot. You have abided by the Rock Fishing Safety Act 2016 in its current form and you are wearing your one piece of safety equipment—your lifejacket. On your feet is your favourite pair of beach thongs. A large wave hits the ledge you are standing on and sweeps your feet out from underneath you. The thongs on your feet get caught and you cannot regain your footing. You are subsequently washed off the ledge. Do we see the issue? I certainly hope so.

We have lost many lives to rock fishing. By legislating appropriate footwear we can go some way to minimise the lives lost. In the amendment we define appropriate footwear to mean lightweight, non-slip boots for high-risk rock fishing locations consisting of a granite surface, and shoes with cleats or spikes for all other high-risk rock fishing locations. This only applies to rock fishing locations that are exposed to ocean swell. Likewise, adding a wetsuit as optional suitable safety apparel is necessary to protect people while rock fishing. A wetsuit takes upwards of five kilograms of lead to neutralise its buoyancy. It is as effective for floating as a lifejacket but has the additional advantages of allowing the fisher to dive and swim under waves. To an extent, it protects the fisher from cuts and from hypothermia in cold water.

Recently I moved a motion that set out in point form the extent of the problems with the Rock Fishing Safety Act 2016. Another issue that arose in 2018 when the then Minister for Police and Minister for Emergency Services, Troy Grant, introduced the Rock Fishing Safety Act 2016, was an opt-in or opt-out decision for coastal councils. Many opted out, which meant that many high-risk rock fishing locations were left with minimal signage and no enforcement controls. One council that opted out was Wollongong City Council. This year five lives were lost at Hill 60, a renowned rock fishing location in the Wollongong City Council local government area. This amendment will apply the Rock Fishing Safety Act to all high-risk rock fishing locations anywhere in New South Wales.

A further disruption to the safety of rock fishers is that the Act has become somewhat of a hot potato. It has been thrown back and forth from the Department of Primary Industries—Fishing to the Police and Emergency Services portfolio, to the Local Government portfolio and back again. It would appear that not one department can get a grip on it, resource or fund it properly and raise awareness of the issues. No Minister can provide concise and accurate answers on the amount of money raised through fines and how it has been reallocated and returned through the Recreational Fishing Trusts. That is the reason that I am amending the Act to remove the fines.

Awareness and maintenance at rock fishing locations so far has been raised through volunteer groups like the Recreational Fishing Alliance of NSW and the Australian National Sportfishing Association [ANSA] New South Wales branch. Those groups spend considerable time and funds providing public safety, unlike this Government. The ANSA New South Wales angel rings, which are orange lifebuoys located at high-risk locations, have saved nearly 100 lives through that initiative alone. Lives should be paramount when we legislate, and it is clear that the Rock Fishing Safety Act 2016 has failed public safety. This Liberal-Nationals Government has failed once again through its half-baked Act that was supposed to address those issues. I urge all members, particularly Government members, to support this amending bill if they truly want to protect our recreational rock fishers. I commend the bill to the House.

Debate adjourned.

Documents

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1220 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (10:33): I move:

That, under Standing Order 52, there be laid upon the table of the House within 30 days of the date of passing of this resolution the documents identified in paragraphs (a) to (g) and (i) to (n), created since 1 January 2014, and the documents identified in paragraph (h), created since 1 January 2019, in the possession, custody or control of the Premier, the Treasurer, Minister for Finance and Small Business, Minister for Transport and Roads, the Department of Premier and Cabinet, the Treasury, Transport for NSW or the Transport Asset Holding Entity of New South Wales [TAHE] relating to the TAHE:

- (a) all documents relating to the classification of RailCorp or TAHE as a commercial public non-financial corporation;
- (b) all documents relating to the proposed financial rates of return for RailCorp or TAHE;
- (c) all documented assumptions made by NSW Treasury regarding the establishment and operation of TAHE, including:
 - (i) "TAHE Access fee and GG impact simple calc 16 Oct.xlsx";
 - (ii) "TAHE high level simple calc draft 15 Oct sent.pptx; and
 - (iii) "Treasury Position – TAHE Financial Impact".
- (d) all correspondence between the New South Wales Government and the Australian Bureau of Statistics relating to RailCorp or TAHE;
- (e) all correspondence, including attachments, relating to RailCorp or TAHE sent to or received from any person at the following firms:
 - (i) KPMG;
 - (ii) Ernst and Young;
 - (iii) PricewaterhouseCoopers;
 - (iv) Deloitte Touche Tohmatsu Limited; and
 - (v) any other firm or consultancy.
- (f) all versions of all draft and/or final reports regarding RailCorp or TAHE prepared by:
 - (i) KPMG;
 - (ii) Ernst and Young;
 - (iii) PricewaterhouseCoopers;
 - (iv) Deloitte Touche Tohmatsu Limited; and
 - (v) any other firm or consultancy.
- (g) all briefs, including attachments to briefs, sent to, signed by, drafted for or approved by the Premier, Treasurer, the Minister for Transport or Roads, the Secretary of the Department of Premier and Cabinet, the Treasury Secretary, the Secretary of Transport for New South Wales or any Deputy Secretary of any Department regarding any matter related to TAHE;
- (h) all documents regarding TAHE in the possession of the Treasury Commercial and Procurement Group;
- (i) all documents which record the proceedings of any meeting attended by the Premier in which TAHE was discussed;
- (j) all documents prepared for all TAHE Board meetings;
- (k) all documents which record decisions made by the TAHE Board;
- (l) the contracts of employment of the current CEO of TAHE
- (m) all reports or draft reports relating to the establishment and operation of TAHE or the transition from RailCorp to TAHE prepared by any New South Wales Government agency;
- (n) all iterations of the proposed Operation Licence and the final version of the TAHE Operating Licence; and
- (o) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

For years Labor has been warning about the Transport Asset Holding Entity [TAHE]. In 2014 and 2015, when this entity was created, the member for Maroubra pointed out that it was a complicated form of accounting trickery designed to artificially create a budget surplus. In 2015 the member for Keira made the same point when he was the Transport spokesperson. For years and years in this place we have said that this entity—this alleged public non-financial corporation—is in fact a sham designed to place off books the debt required to maintain our rail fleet and our rail assets, including the tracks and the power stations. It was a complicated manoeuvre so that the Government did not have to book the cost of depreciation on the State's budgets, achieving at least a \$200 million per year saving on the operational expenditure side of the budget.

When it comes to the budget papers, nothing is more important than honesty and truth. For years now this Liberal Government has propped up and claimed integrity with its budget numbers on the basis of a sham. That is what we learnt last week when finally this serious issue surfaced in the public domain. It is about time that the people of New South Wales learn that multiple Treasurers under this Government have been telling fibs about the budget for seven years. They have perpetuated this fiction that somehow we do not need to pay for rail

maintenance or book depreciation and that we can borrow money to buy fleets and not have it turn up in our books.

What is worse, it is the same tale that they have written into law through the appropriation bills. It is the same tale that they have been telling the ratings agencies. If we cannot trust the Government to tell the truth about the budget, what can we trust them with? What is worse than this complicated form of financial trickery to con the people of New South Wales is the cover-up that they have engaged in since. If we want to talk about the serious issue that surfaced last week in *The Sydney Morning Herald* about the Transport Asset Holding Entity, the most disturbing aspect of it is this whiff of so many people in the top echelons of government engaging in such a campaign and warding it off as an issue. People holding high offices such as the Premier, the Treasurer, the Treasury Secretary, the Transport Secretary and the Secretary of Premier and Cabinet, all of whom we understand it has been alleged have engaged in a remarkable campaign to make sure that the truth never surfaces. That has been the response from this Government.

We hear that the consequences of their decisions are catching up with them and they are being told that they can no longer perpetuate this nonsense. The Transport Asset Holding Entity was meant to have a board and CEO in 2018 but only got them in 2020. We are told that they are behind in meeting their own milestones. Instead of this Government trying to make true this fraud, it engages in a complicated cover-up to ward off the truth. What is worse, the campaign is not being led by junior members of the Government. Some of the State's most important leaders are alleged to have been involved. As far as scandals go, it is remarkable.

What then is the responsibility of this House? In the wake of a serious allegation that this scheme has hidden \$7 billion or \$6.4 billion worth of costs from the budget, we are also told that some of the most important senior leaders in the Government have known about it for years and have ignored warnings for years. We have heard about others who have come forward to say that they were subjected to undue pressure to hide the truth. I say that the responsibility of this House is to exercise its oversight function immediately and to scrutinise what is an immense scandal about the budget.

The Hon. Damien Tudehope: This is a disgrace.

The Hon. DANIEL MOOKHEY: I acknowledge the interjection of the Minister. If he wants to talk about what is a disgrace, I will say it is the way he has engaged in this matter. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:38): That contribution does the member no credit whatsoever as to his understanding of the financial capability of this State and the way that this organisation has been set up. Let us go through the truth and start telling the truth about this, mate.

The Hon. Anthony D'Adam: Point of order: The Minister needs to direct his comments through the Chair.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): That is correct.

The Hon. Anthony D'Adam: Pointing and gesticulating to other members in the Chamber is unparliamentary.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I uphold the point of order. The Leader of the House will take that into account in the rest of his contribution. The Leader of the House has the call.

The Hon. DAMIEN TUDEHOPE: The financial treatment of TAHE was clearly set out in the 2015-16 budget, and the subsequent Act to create the entity was passed by the Parliament in 2017. There were no secrets. It was absolutely transparent. TAHE has been fully disclosed in budget papers ever since that time. It has been fully transparent. There has been no hiding. The details of TAHE are out there for everyone to see. TAHE is a State-owned corporation, which is a type of public non-financial corporation—much like Sydney Water, WaterNSW and Forestry Corporation—with its own separate board.

Let us look at those who tell the truth on this and the way that finances are organised. The accounting treatment of TAHE is consistent with the approach taken by every other State with their transport and other assets—for example, VicTrack, Queensland Rail, Australian Rail Track Corporation and Australia Post. They all do exactly the same, and the member knows it. This is an attempt to try to smear the financial operation of the budget and to get a story up before the budget to try to undermine it. I get the politics that the member wants to play, but it is against a background of trying to smear and not tell the truth about transparency. But it gets worse. TAHE is anticipated to bring a more effective, efficient and commercial approach to the management of heavy rail assets, particularly property. The Government stands by its strong economic record of delivering for the people of New South Wales. I seek an extension of time.

Leave granted.

The Hon. DAMIEN TUDEHOPE: TAHE will independently report its performance to the New South Wales Parliament. The reporting is subject to review by the Auditor-General. The Government has nothing to hide. Labor thinks that there is a grand conspiracy, and this member has a particular preoccupation with what he thinks are grand conspiracies. Once again Opposition members are on the wrong track, so to speak. They are determined to waste public servants' time and taxpayers' money so that they can trawl through all of the correspondence between, for example, TAHE and literally every firm it has ever dealt with. That is in paragraph (e) (v) of the motion. That is what our opposition to the motion is based on. The scope is massive and the request is unreasonable, even allowing for the 30-day period for delivery. It is not just a matter of running a search on documents. What documents are captured need to be filed, assessed for privilege, redacted as appropriate and indexed. The demand of this Standing Order 52 request is unreasonable and in the circumstances should not be supported.

[Business interrupted.]

*Visitors***VISITORS**

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I welcome Jenny Godson and Jason Holman to the President's gallery. Jenny is the mother of Damien and Craig and the wife of John Godson, who all lost their lives in the Ghost Train fire 42 years ago today. Jason is a survivor of the fire. He was a Waverley College student who lost four of his schoolmates in the fire. On behalf of members present, I extend our deepest sympathies to you for your loss and welcome you to the Legislative Council Chamber today.

*Documents***TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES****Production of Documents: Order**

[Business resumed.]

Mr DAVID SHOEBRIDGE (10:43): The Greens support this Standing Order 52 request. We are rather keen to see the full suite of correspondence between KPMG and Transport for NSW. We do not want to see the redacted version, as the Government has threatened to do in this debate, but the full set of correspondence. We would like to see how Transport for NSW responded to KPMG's critique that this structure was going to cost the State Government potentially billions of additional dollars. We would like to see the Treasury's response and how it managed to support a scheme that its own hand-picked consultants said was a risk to the future financial stability of the New South Wales Government. We would also like to see how the Government cooked the books to make a full surplus. We are keen on these documents.

The Hon. JOHN GRAHAM (10:44): I support my colleague in his important quest for this information. The assertion of the Leader of the House is that the Government was up-front about this in the budget papers from the start. He should acknowledge that the Opposition objected from the start. I acknowledge the work of the member for Rockdale, Steve Kamper, our colleague in the lower House, who was immediately onto this scam and immediately highlighted it. There has been some dispute about these very technical accounting measures over many years now. What we did not know was the suggested scale of what this might mean—that over six years, on the estimate of former Auditor-General Tony Harris, this has perhaps boosted the Government operating result by \$30 billion. I did not know that. The scale of what we are now talking about is jaw dropping when it comes to the size of the New South Wales budget.

The other suggestion made in the last week is that when the budget is delivered on 22 June in the other place we must take \$2.7 billion off the bottom line. Whatever the traditional budget leak is in the papers on the morning of 22 June, we will need to get out the calculator and take \$2.7 billion off the bottom line because that is what is suggested this does to the State budget. That is the Opposition's concern. I support the points that my colleague has raised. The Government and the Premier have suggested that this was five years ago. Firstly, I point out that Enron was in 2001 and we are still feeling the ripples of that scandal. This has got some of the hallmarks of those arrangements. This Government, this term of Parliament and this Cabinet are not immune.

On 1 June 2020 this Cabinet was making decisions to press ahead with these arrangements despite the increasing concerns that were being raised. This is not just five years ago; the biggest impacts of these decisions are yet to happen in the New South Wales budget. They are still to roll out over the years, particularly as we start to hit 2025. These will have major impacts on the State's budget. The key reason we support these papers being revealed is that if all of this has been transparent, why is Transport for NSW concerned? Why is KPMG having

to issue very different advice at times to the Government? We want and expect answers to that. I will make my judgement when we see the papers, but the public deserves to know.

The Hon. DANIEL MOOKHEY (10:47): In reply: I welcome the contributions of my colleagues Mr David Shoebridge and the Hon. John Graham, but I most welcome the contribution of the Minister in this debate.

The Hon. Damien Tudehope: I am sure you do.

The Hon. DANIEL MOOKHEY: I do. I understand that the Minister has a job to do and I understand that he relies on advice when he makes such contributions in the House. But I would say to the Minister to be careful what he says here. This is a serious deal. This is not a story that is going to go away. It has serious implications. Other members have alluded to some of what has gone on in the background, which I flagged. We have two reports from KPMG that contradict each other, we have a transport department that seemingly is in massive disagreement with the Treasury and we have the Treasury embarking upon and organising a lot of the counter-advice. This has surfaced at the top echelons of the Government. We know this. We know that the Cabinet has signed off on this again, just like last year. We also know that if the Transport Asset Holding Entity is a genuine arrangement—

The Hon. Damien Tudehope: Like Queensland and like Victoria.

The Hon. DANIEL MOOKHEY: If it is a genuine arrangement like VicTrack, Queensland Rail and the other references, then this will be the year that the Transport Asset Holding Entity is going to have to charge Transport for NSW for every single train that is travelling on the metropolitan rail network between Sydney, Newcastle and the Illawarra. If this is a genuine arrangement, then I look forward to in two weeks' time seeing precisely how much revenue the Transport Asset Holding Entity is earning from Transport for NSW. If this is a genuine State-owned corporation and if this is a genuine commercial enterprise, they will be charging market rates for access to the rail network. Every train that goes from Martin Place to Town Hall will be charged for. Every train that goes from Town Hall to Parramatta will be charged for.

I want to see precisely how much revenue this entity is generating. I want to see precisely what the target rate of return is. I want to see precisely how much profit the Transport Asset Holding Entity has to generate. I also want to see exactly how the Transport Asset Holding Entity plans to pay for the depreciation and for all the other operating expenditure—costs which it has never incurred. It has had a board for only a year and is yet to even settle prices for its network access. If this is a genuine arrangement, we will find out in time. But, I suspect, it is not. It is a complicated form of financial trickery designed to do one thing and one thing alone—for this Government to falsely claim budget surpluses for six years in a row, with a seventh to come. That is what this has been all about. The documents called for will determine whether or not what the Opposition is saying is true or what the Government is saying is true. The documents need to be read in conjunction with what we will find out in a few more weeks. This is not a scandal that is going away. I commend the motion to the House.

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

Motion agreed to.

STATUTORY REVIEW OF THE CEMETERIES AND CREMATORIA ACT 2013

Production of Documents: Order

The Hon. TARA MORIARTY: I move:

That private members' business item No. 1227 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. TARA MORIARTY (10:51): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Water, Property and Housing, the Department of Planning, Industry and Environment or Cemeteries and Crematoria NSW relating to the statutory review of the Cemeteries and Crematoria Act 2013:

- (a) all documents relating to the report on the statutory five-year review of the Cemeteries and Crematoria Act 2013 entitled *The 11th Hour: Solving Sydney's Cemetery Crisis* report, tabled on 19 February 2021;
- (b) all documents, including file notes, meeting papers, briefing minutes, agendas, representations, submissions, correspondence and communication, regarding discussions between the Minister, department, agency or review experts, Tim Scott and David Harley, concerning the statutory five-year review and the recommendations and decisions included in the report;

- (c) all documents, including meeting papers, briefing minutes, agendas, and communications, relating to the Government response to the report on the statutory five year review of the Cemeteries and Crematoria Act 2013 entitled *The 11th Hour: Solving Sydney's Cemetery Crisis* report, tabled on 19 February 2021;
- (d) all documents, including representations, submissions, correspondence and communication, between the Minister for Water, Property and Housing and other Ministers regarding the report on the statutory five-year review of the Cemeteries and Crematoria Act 2013 entitled *The 11th Hour: Solving Sydney's Cemetery Crisis* report, tabled on 19 February 2021; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The recently completed statutory review of cemeteries and crematoria in New South Wales resulted in a report tabled in this place in February this year with 42 recommendations for reforming the cemetery sector in New South Wales. There is a lot of interest in this matter. Certainly we can acknowledge that reform of the sector is needed. Whilst there are various views from stakeholders about the accuracy of some of the elements of the report, the main issues facing the sector are in relation to space. Sydney cemeteries are expected to run out of space in between three and 12 years. The cost of interment services in New South Wales are some of the most expensive in the country, which is causing enormous cost burdens on families often at already very difficult times.

As I said, of course there is a need for review of the sector and for reviewing the trust structure for cemeteries in New South Wales. The manner by which the Government has handled this report at best has been a mess. I have heard from a number of stakeholders, in particular the Catholic Metropolitan Cemeteries Trust and the Catholic Church but also many more than that, about their disappointment and surprise at the lack of consultation in regard to the Government's final position on this matter. A couple of weeks ago all of the trusts were notified that they were to be removed—sacked—and an administrator appointed while consolidation was being pursued. The biggest problem was that the full plan had not been finalised or communicated to the sector or to the community.

Religious and faith groups, who play a significant role in running cemeteries because they say that cemeteries, interment and all the processes surrounding the death of a person and the management of a person once they are deceased is a fundamental part of their mission. But they were not told how they would be able to continue that work under the new model. The community was not told how religious views would be part of the new model. This all happened very quickly, despite the report being tabled in February this year. I met with and had discussions with a number of stakeholders between February and recently when the decision was made. The shock and disappointment of the stakeholders in this space arises from being told, after some discussion, suddenly that they were to be sacked without proper reason and without knowing what the full plan would be.

That is simply a bizarre way to go about something as fundamental as cemetery reform. I have a number of questions, and this House should have a number of questions, about why that happened. That is why it is very important that we see the papers. I worked with the stakeholders before and after the report was tabled. They regularly advised me of what they believed they had been told by Government about what the final arrangements would be; yet, a couple of weeks ago the Government arbitrarily decided to intervene in the sector, sack the trusts and appoint the administrator without discussion and without the full plan.

Cemeteries are an essential service in New South Wales. They are very important to many in the community. More care and respect should have been shown to the community and to the religious groups for whom cemeteries and interment are a core and fundamental part of their mission. The treatment of trusts was appalling, particularly the treatment of the Catholic Metropolitan Cemeteries Trust, and all the trusts are quite concerned. The treatment by the Government of the Catholic Metropolitan Cemeteries Trust and the Catholic Church in this matter has been appalling.

We need to see the papers around the decision-making in this matter. There is an enormous public interest in this matter. The community is entitled to understand exactly what has motivated the decisions. The Government must communicate to the public what its plans are, not just for the cemeteries sector and for the management of the cemeteries sector but how religious and faith views will be accommodated, given that this is one of the most important parts of people's faith. Whether or not people are religious, this matter is a fundamental part of every part of our life and needs to be managed properly in perpetuity. I commend the motion. We need to see the papers.

The Hon. TAYLOR MARTIN (10:55): On behalf of the Government I participate in debate on the statutory review of the Cemeteries and Crematoria Act 2013 and highlight from the outset that the Government does not oppose the motion. As members of this place would recall, on 16 March 2021 the New South Wales Government tabled the report on the statutory review of the Cemeteries and Crematoria Act 2013 entitled *The 11th Hour—Solving Sydney's Cemetery Crisis*. Some may ask: Why was there a crisis? Ultimately Sydney is quickly running out of burial space. Burials are extremely costly and that imposes an unfair burden on families at a very difficult time in their lives. This review reported only on Crown or State Government-owned metropolitan cemeteries that had been purchased and built using State Government funds.

The review highlighted that the five State Crown Land managers who manage our metropolitan cemetery network had a total unfunded perpetual maintenance liability in excess of \$300 million. That means the operators had insufficient funds to continue to maintain the plots of those who had previously been interred in our metropolitan cemeteries. It estimated that, without change, \$200 million to \$300 million in taxpayer funds would be required to cover the shortfall and to acquire land and build new cemeteries across Sydney. However, the review found that there was significant opportunity to achieve cost savings and ensure the sector was truly "perpetual" through savings by consolidation into one entity. More importantly, the model would ensure sufficient funds to both purchase new metropolitan cemeteries and bring down the cost of burials for families.

The modelling in the review demonstrates conservatively that costs could come down by 20 per cent from consolidation. That equates to \$4.5 million in efficiencies every year. However, the Independent Pricing and Regulatory Tribunal estimated this saving to be more like 48 per cent, or \$10.8 million, in savings per year. Currently New South Wales people pay twice as much for burials as do residents across the border in Victoria. New South Wales is more efficient in just about everything else we do, and cemeteries should be no different. The New South Wales Government is committed to ensuring low cost burials for all members of our communities while balancing the sensitivities involved, and will continue to work with all stakeholders to achieve the best possible outcome. I reiterate that the Government will not oppose the call for the production of papers under Standing Order 52.

The Hon. SHAOQUETT MOSELMANE (10:58): My contribution to debate on the motion will be brief. I concur with what has been said by the Hon. Tara Moriarty and the Hon. Taylor Martin on behalf of the Government. This matter is an ongoing crisis. For the past decade as a member of Parliament I have been hearing about the desperate need for the provision of more cemetery space across Sydney and other areas of the State, but in particular across Sydney. The recent statutory review found that Sydney is running out of burial space. That some cemeteries will close in three years and a lot of them will close in 12 years. The Government did not even have to have a statutory review or ask officials or professionals whether we are running out of space. It just had to ask the community. They will tell the Government that they are running out of space and they are desperate to find that space.

The Government put forward one ridiculous proposal in 2018, which was basically to dig out graves and re-use them after 25 years. There was a big uproar in the community. There was little consultation, if any, and the community was ropeable. Thanks to the former shadow Minister the Hon. Mick Veitch, who called for an inquiry, the matter was elevated for people's attention. It is happening again. There is very little consultation with organisations, church bodies and religious organisations across the State that are eager to help the Government. They would be more than happy to step up, to listen and to support the Government in this space. Unfortunately, the Government for some unknown reason is not able to consult with the people most concerned about the issue.

When I posted the Hon. Tara Moriarty's press statement on Facebook, a lady who is on the board of an organisation entrusted with burials said, "I did not know about this. I was not told. I had no idea that this was going on." She is somebody who represents an organisation that speaks for and with the Government. Some consultation would go a long way to resolving this. The Government has to address the problem with cemeteries because it is not just about Jews, Muslims and Catholics. There are the Mandaean, the Druze, the Caodaists, the Baha'is and many other organisations and religious groups that desperately need cemetery space. [*Time expired.*]

The Hon. MARK LATHAM (11:01): One Nation supports the motion and very much opposes the attempted takeover of New South Wales cemeteries by the Government. We know of a long pattern of government getting out of various activities. There was a time when governments ran butcher shops or abattoirs or brickworks out at Homebush and government sensibly said that non-government organisations—the private commercial sector—can do those things better in a competitive market environment. Most recently, government got out of electricity asset ownership to then come back in with the massive subsidisation of renewable power under the Kean scheme; that was confusing.

But even more confusing is the idea that government would now come in to run the cemetery and funeral sector, which has been run so effectively for more than a century in New South Wales by faith organisations. I cannot think of a single person who would want their funeral run by the Department of Planning, Industry and Environment, with someone like Jim Betts in charge of funerals. That bloke can barely run planning instruments at the aerotropolis, let alone look after cemetery assets and funerals for all the people in New South Wales. Why would we think for a nanosecond that bureaucrats marching out with clipboards have got any solution in this space that is not already provided with wonderful effectiveness by faith-based organisations?

I know there has been a report, but the report highlights the great work that the Catholics have done with management, planning and provision. There might be a few issues in other areas but they can be overcome. The idea that the Catholics in particular have been wiped is shameful. The solution to these issues about supply is to approve the Catholic applications for the lawn cemetery at Bowraville, which I saw on Friday, and the one that is

proposed near Penrith, and allocate some land near the aerotropolis for extra plots and space for funerals and cemetery assets. All of these things can be done in a sensible way without this asset grab.

I think the word is out. The asset grab is about a financial swindle by the New South Wales Government so it can then borrow against the assets. It will probably get it off the budget like the Transport Asset Holding Entity and other mechanisms and make it look like it has got a budget balance when, in fact, it is running in deep deficit. These things are a financial swindle. They are unnecessary. They are so disrespectful to the Catholic community in particular. I am not a person of faith but I will be struck down if Jim Betts is going to have anything to do with my funeral in the future. I am happy to go to a faith-based organisation knowing their love, their care and their devotion to all these services have been absolutely—

Mr David Shoebridge: You cannot be struck down at your own funeral.

The Hon. MARK LATHAM: Mr David Shoebridge will certainly not be involved. There will be nothing green or rainbow about my funeral. I hope in one respect that I outlast the honourable member and can have an input into his funeral. That is my position on the motion. One Nation supports the motion and opposes the madness of the Government grab.

Reverend the Hon. FRED NILE (11:05): I support the motion. I thank the member for bringing it to the attention of the House. I have had a number of meetings with the various cemetery trusts and I think it is an appalling situation. I have heard rumours that the Government is reviewing its decision. I hope it will make an announcement today that it has cancelled its proposed arrangements and will restore these trusts to continue with the very commendable work that they have been doing, which has had no criticism to my knowledge. I received a letter from Catholic Archbishop Anthony Fisher, who was very upset about the situation and how it was handled and the abruptness of it and the sacking of key members of various cemetery trusts with no notice. It is not the way the Government should be handling a very important area of our society. I urge the Government to announce that it has cancelled its proposed arrangements and will restore the various trusts to carry out the efficient work that they have been doing. I fully support the motion.

The Hon. JOHN GRAHAM (11:06): I support the shadow Minister's speech on this issue. I think at the heart of this is the lack of respect for these organisations, in particular the Catholic Cemetery and Crematoria Trust. That is what I find most upsetting. As my colleague the Hon. Shaoquett Moselmane said, this is not a new issue. This has been rolling for a very long time. It should not come as a surprise that it has been dealt with in this way, but that has been well articulated by other members. The member indicated that there might be some reconsideration. The Minister was overruled by the Premier and perhaps the Deputy Premier. That is welcome from the Opposition's point of view. There is no bad time to make a good decision, and it is a good decision to intervene in this. When this decision was made, it was a Cabinet decision. I do not understand how it ever got through the Cabinet. How did this appalling implementation ever get through the New South Wales Cabinet? It should have been stopped there in the first place.

The Hon. TARA MORIARTY (11:08): In reply: I thank everyone for their contributions, including the Hon. Taylor Martin, the Hon. Shaoquett Moselmane, the Hon. Mark Latham, Reverend the Hon. Fred Nile and my colleague the Hon. John Graham.

The Hon. Anthony D'Adam: Point of order: There does not appear to be a quorum in the House.

Mr David Shoebridge: Yes, there is.

The Hon. Taylor Martin: There is.

The Hon. Anthony D'Adam: There is no Minister.

The Hon. Ben Franklin: I am a Parliamentary Secretary.

The Hon. Taylor Martin: As am I.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): There is no point of order. The Hon. Tara Moriarty has the call.

The Hon. TARA MORIARTY: I acknowledge that the Government will not be opposing this order for the production of documents and I appreciate that. I thank everyone again for their contributions. This is a matter of great public interest. People are following this debate closely. I have also heard indications from the Government that it might be reviewing the decision and reconsidering the mistake that it has made. If that is the case, it would be very welcome. This was a mistake, it has been handled terribly and there needs to be more respect shown for faith groups in this space and for the community as a whole. This is a very fundamental part of the community in New South Wales and hopefully the Government will do better on this. I look forward to seeing the papers to understand the decision-making process to this point.

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

Motion agreed to.

Motions

LUNA PARK GHOST TRAIN

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1232 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (11:10): I move:

- (1) That this House notes that:
 - (a) 9 June 2021 marks 42 years since the Luna Park Ghost Train tragedy that killed seven people, yet their families are still waiting for answers and justice for their loved ones;
 - (b) an ABC investigation has exposed new evidence and fresh witnesses that were not considered, or were actively discounted, during the initial investigation into the fire and the cause of these seven deaths;
 - (c) given this fresh information, there is a compelling case to establish a commission of inquiry into the fire and the subsequent New South Wales police investigation; and
 - (c) 42 years is too long to wait for justice, and this House notes and supports the continuing demands for justice from the families, friends and loved ones of those who died.
- (2) That this House calls on the Government to establish a special commission of inquiry with royal commission powers into the fire and the subsequent New South Wales police investigation by 9 August 2021.
- (3) That in the event the Government refuses to act, indicates its support for the Parliament to step up and compel the establishment of such an inquiry by separate legislative action.

Today marks precisely 42 years since the Luna Park Ghost Train tragedy killed seven people and their families, friends and school friends are still waiting for answers and justice. I welcome Jenny Godson and Jason Holman to the Chamber today. Jenny lost her two boys, Craig and Damien, and her husband, John, in the fire. Jason survived the fire but lost four of his schoolmates: Richard Carroll, Jonathan Billings, Seamus Rahilly and Michael Johnson.

I give credit to the work of ABC reporters and investigators. Since the airing of the ABC special into the tragedy, further witnesses have come forward resulting in more evidence. We know that a series of critical witnesses were not interviewed by police. When they came forward, their evidence was ignored and their leads were not followed up. We know that Richard Visser rode the ghost train that night and he said he could smell kerosene inside the ghost train. He was not interviewed. He told the ABC, "It is something I have always remembered. I smelt burning kerosene." Luna Park staff members Kerry Lawson and Cathy Dewar reported seeing suspicious groups of bikies present at Luna Park on the night. That accords with evidence from seven other witnesses. The police did not contact most of them who reported suspicious activity, including the men in groups looking like bikies, the smell of kerosene and a discussion about matches. They provided detailed physical descriptions to police at the time, but those leads were not followed up.

Those three witnesses were there on the night of the fire and were not interviewed by police at the time or for the 1979 coronial inquest. Police cleared up the wreckage with what many thought was undue haste and it is likely crucial evidence was destroyed. By 3.00 p.m. the following day, without any of those investigations, the police announced the cause of the fire was an electrical fault. Inspector Knight publicly announced that there were no suspicious circumstances, despite the witnesses and the compelling evidence. His role in the investigation has been questioned and his conduct in other matters has been seriously brought into question. The coronial inquest failed to ask those questions and had no consideration at all of arson. Colin Wedderburn, who was the police prosecutor assisting the Coroner, has slammed the police investigations saying, "it was a perversion of justice".

Since the airing of the investigation, former senior police officers have come forward and claimed publicly for the first time that the notorious organised crime boss Abe Saffron was involved in the fire and potentially orchestrated it. He was a man with an extensive criminal enterprise involving gambling, liquor and property development. He was eyeing off the Luna Park site for yet further lucrative illegal property development. Why were none of those witnesses chased down? Why was the investigation closed in less than 24 hours or so after the fire? Why was there a conclusion by 3.00 p.m. the following day that there was no suspicious activity? At best, the Government has referred the matter again to the Coroner who has again asked police to investigate police. That is not good enough. Those witnesses support an inquiry. The family supports an inquiry. The broader community demands answers. It is well beyond time that the Government and the Parliament act.

The Hon. JOHN GRAHAM (11:15): I support the motion on behalf of the Opposition. I also recognise Jenny Godson and Jason Holman in the gallery and thank them for being with us for this discussion. This tragic incident involved six young deaths and the death of one father. The Opposition has supported an inquiry into this matter and our former leader Jodi McKay made that clear. I reiterate that today. Mr David Shoebridge has articulated the case well for why unanswered questions from the public deserve further investigation and assurance if people are to be at peace with what has happened. In saying that, the Opposition does not seek to diminish the investigations that have occurred to date. We believe those were serious investigations and were conducted by respected individuals. We do not seek to diminish the investigations to date, but we recognise that the public and family have concerns and it is important to respond to those concerns. It is important that there is a public resolution of those issues.

We support the motion unamended. I note that the Opposition would act cautiously on paragraph (3), which states that the Parliament take action to establish an inquiry. However, we are open to establishing an inquiry if the Government does not act. I also note the Opposition's concerns about the media reporting about former premier Neville Wran, who is one of the most important Premier's this State has had. The Opposition is proud of Neville Wran's role as Premier of this State. He fought for integrity, including of the electoral system. I can put the Opposition's view no better than what is outlined in this letter from some of the Premier's former staff. They said:

We support an inquiry into the circumstances and aftermath of the 1979 fire at Luna Park. We owe this to the families of the victims of the fire. This will hopefully also provide an opportunity for former NSW Premier Neville Wran, posthumously, to again have his name cleared after a false allegation made by an ABC TV program. On this occasion the ABC's star witness is a former friend of Abe Saffron. Her claim of a relationship between Wran and Saffron was broadcast without corroboration. Apparently the normal rules with journalism, particularly the requirement for at least two independent sources, are suspended when a person is dead.

I seek a short extension of one minute.

Leave granted.

The Hon. JOHN GRAHAM: They continued:

The inquiry will provide the opportunity to establish the truth or otherwise of her claim that Wran had put his entire political career at risk by such an association. The inquiry also needs to examine how Wran managed to influence a tender decision made by six independent or senior public servants. Our respective lengths of service on Wran's staff stretch from 1973, when he became Leader of the Opposition, to 1986, when he retired from politics. We would be happy to testify — and would have been prepared to tell the ABC — that in 13 years none of us saw any evidence of a relationship between Wran and Saffron, either direct or indirect.

That letter was signed by Milton Cockburn, Brian Dale, David Hill, David Hurley and Nigel Stokes. I commend those thoughts that have been influential on the Opposition's position. We support this inquiry. We support peace and answers for the families and for the community. I commend the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:19): I vividly remember the 1979 Luna Park fire. I have nothing but sympathy for Jenny Godson and Jason Holman as a result of the events that occurred on that night. In fact, they probably relive those events every day—they would be etched in their memory—and the pain does not go away 42 years later. Nothing can take away what occurred or the suffering that they have gone through. No-one in this House would ever want to have to endure what they and their families have gone through as a result of what occurred at Luna Park on that day.

The full impact of the motion calls for a special commission of inquiry into those events, arising from a report on the ABC. The Deputy Leader of the Opposition and Mr David Shoebridge gave a pretty fulsome summary of some of the evidence that was presented in the ABC report. Given that that has occurred, and in light of the ABC report, what is the appropriate process to go through to understand the truth or otherwise of the assertions that have been made? The reality is that there was a coronial inquiry. There will be those who say that they are dissatisfied with the manner in which that coronial inquiry was conducted or the manner in which evidence in that coronial inquiry was potentially ignored or otherwise, but now we have potentially fresh evidence that the ABC adduced in respect of the material.

In April this year the State Coroner, Teresa O'Sullivan, referred the matter to the NSW Police Force to conduct a formal review of the evidence surrounding the incident following an application by a person with sufficient legal standing and pursuant to section 83 of the Coroner's Act. The review is now being led by the State Crime Command, who will report back to the Coroner in due course. Mr David Shoebridge said that, in his view, it is not good enough that the police investigate the police in circumstances where there is a question mark over their potential involvement in the matter at hand. I think that is an unmeritorious smear on the NSW Police Force and its competency. I seek a short extension of one minute.

Leave granted.

The Hon. DAMIEN TUDEHOPE: I have every confidence that the NSW Police Force can conduct a review of the evidence. To conduct that review of the evidence it needs the cooperation of those people who have

additional evidence, including the ABC, to provide all the material in their possession that sheds light on the event that occurred on that day—bearing in mind, of course, that a great number of the people who were involved and against whom allegations have been made have passed away. If the ABC has additional material in its possession, that material should be provided to the police for assessment. I do not detract from the enormous hurt that the families have gone through, but to create a circumstance today where a special commission of inquiry is agreed upon circumvents that process. If we are to have an inquiry, let the Coroner's inquiry proceed first and then, if it is required, we can move to a further inquiry. The Government will be opposing the motion, but it does not do so in circumstances where it gets any delight out of the suffering or difficulties of the families. The Government wants to see a resolution to this matter. This process is flawed and the Coroner should in fact do her job.

The Hon. MARK LATHAM (11:24): I too express my sympathy to the families who lost loved ones 42 years ago. I also support what the Leader of the House has said about the processes now underway. I bring to the attention of the House criticism of the ABC in the way in which it has handled this. The ABC seems to be so lacking in confidence about its story that it will not supply documents to the New South Wales police. It is hard to have an inquiry based on a television show when the journalist and the producers involved will not hand over to the New South Wales police the documents that they say they are relying on. Perhaps they should be urged to do that in the first instance. I also note the reporting of Troy Bramston who has followed this closely in *The Australian* newspaper:

The ABC solely relied on Rosemary Opitz, a former employee of Saffron, to claim he and Wran were "pally" and had Friday drinks together.

The credibility of someone who worked for a crook should not be the basis of a special inquiry in New South Wales. Bramston goes on:

The ABC solely relied on former policeman Paul Egge to claim Wran conspired with High Court judge Lionel Murphy to ensure the lease went to Saffron, even though his allegation has been investigated by several inquiries and found not to be substantiated.

How many witch-hunts do Neville Wran and Lionel Murphy have to endure, even in their graves?

The Hon. Penny Sharpe: Hear, hear!

The Hon. John Graham: Hear, hear!

The Hon. MARK LATHAM: I knew Neville Wran. Neville Wran was a good man, an honest man and a great Premier of this State. The ABC's shameful pursuit of him time after time, even now when he is long dead, is a disgrace to public broadcasting in this country. As for Lionel Murphy, trying to fit him up and drive him off the High Court, that too was a disgrace. These are fanciful allegations that Wran was some friend of Abe Saffron, and that he and Lionel Murphy conspired about a lease that burnt out Luna Park. These things are just not credible. The journalist here, Caro Meldrum-Hanna, was heavily criticised for her previous work on greyhounds and Don Dale. Her last big so-called exposé was to try to get the convicted baby killer Keli Lane off the hook. I am afraid this is not credible journalism.

This story has been pushed by a fake news merchant, and we would be foolhardy to buy the ABC approach in preference to what is already happening with the investigations and the processes of the police and the Coroner that are underway. It may well be that those investigations and processes will not satisfy those who want to pursue Wran and Murphy. I draw the attention of the House to the disgraceful role of Clarrie Briese, the former Chief Magistrate who has been behind these matters for a long while. He recently released an incoherent, weird, vengeful book in his dotage called *Corruption in High Places*. He reveals on page 20 of the book that he received the discredited *The Age* tapes from Bruce Baird, who was the member for Northcott in the other place. This matter was always political. When politicians, past and present, engage in a process that gives false hope to the families, that in itself is not a genuine process. It is not the right process, and it is not one that this House should support.

Reverend the Hon. FRED NILE (11:28): On behalf of the Christian Democratic Party, I speak in support of the motion moved by Mr David Shoebridge. In particular I support paragraph (2) of the motion, which states:

- (2) That this House calls on the Government to establish a special commission of inquiry with royal commission powers into the fire and the subsequent New South Wales police investigation by 9 August 2021.

I also express my sympathy and condolences to the families who have lost loved ones as a result of this fire. I had relatives who worked at Luna Park and ran some of the activities there, which I will not detail at this moment. But as a teenager I had many happy times at Luna Park and I was worried that, as a result of all this, Luna Park might close. I think it is an important aspect of our society and tourism activity. As the motion states, 9 June 2021 marks 42 years since the Luna Park Ghost Train tragedy that killed seven people, yet the families are still waiting for answers and justice for their loved ones. I support their call 100 per cent.

The Hon. CATHERINE CUSACK (11:30): I briefly add my own comments and acknowledge those who were so deeply impacted by the losses caused by this tragic event in Sydney's history. I think I was 15 years

old at the time and a student at Kincoppal-Rose Bay, where Richard Carroll's sister was also a student with my sister. My vivid recollection is that all of Sydney, New South Wales and Australia was in shock at this appalling event. It was something that people just could not take in and it is still vivid in my memory today. In fact, I was shocked when Luna Park reopened because I did not envisage that we could ever recover from the shock and sadness of that day. I, of course, acknowledge the people directly affected, but I honestly believe our whole community was affected.

Sydney was a naive and strange place in those years. Roger Rogerson was a police officer; Bob Bottom was writing about corruption in Sydney; Sallie-Anne Huckstepp was found in the duck pond at Centennial Park; and our Liberal candidate in Griffith, Donald Mackay, went missing and his body was never found. It was the time of Abe Saffron. That was what was going on in Sydney. *The National Times* was writing about it, but this incident just blew everything out of the water. I believe it created a sense of shock across the State, and that shock will never leave us. When the Greiner Government was elected and established the ICAC inquiry, there was some hope that the matters would be investigated, but the then commissioner Ian Temby resolved that it would be a forward-looking investigation and would not review that period. I think some of these matters may have been canvassed later in the Wood royal commission set up by the Labor Government.

It has been an open wound. Everyone wants the truth. I think the members are disputing what is the best way to get to the truth. But those affected have everybody's hearts with them, and even when we do get to the truth, it could never heal such a terrible wound as this incident. I thank Mr David Shoebridge. While I do not support the mechanism put forward, I am glad that this matter has been brought to the House on the anniversary of this tragic event. I thank the families for their forbearance. I look forward to some of the truth coming out in whatever form the investigations take.

Mr DAVID SHOEBRIDGE (11:33): In reply: I thank all members who have contributed to the debate, the Hon. John Graham on behalf of the Opposition, the Leader of the House, the Hon. Mark Latham, Reverend the Hon. Fred Nile and the Hon. Catherine Cusack. The Government's response to this is that now is not the time and there should be yet further delay before a special commission of inquiry is established. It wants the coronial referral process to complete and police to again investigate the actions of former police and then potentially provide some further material to the Coroner. The Sydney that we had at the time of 1979, which the Hon. Catherine Cusack set out in some detail, was pre the Wood royal commission into the police and it was without ICAC or the series of corruption controls we now have in place. Sex work was illegal, there were illegal gambling dens and illegal liquor. It was a Sydney that was even more red in tooth and claw than the Sydney we have today.

It was in that context that we saw this dreadful fire and these seven lives lost. It was in that context that the police investigation was shut down effectively within 24 hours, with police saying, "Nothing to see here". If ever there was a case for a special commission of inquiry with royal commission powers to finally get to the truth and to not wait another three or four years while yet more witnesses tragically lose recollection or maybe pass away, it is this. Now is the time to act and not have further delay. In that context, we must realise that there is a conflict of interest in asking the police to investigate the actions of former police. There is an irremediable conflict of interest in that, and the need for something to break that conflict of interest is so apparent. That is why the families and others are calling for an independent special commission of inquiry. In particular, I thank Reverend the Hon. Fred Nile for his comments acknowledging the need for the special commission of inquiry and the call for justice.

I must address the attacks upon the journalist Caro Meldrum-Hanna. In my experience, she is a woman of integrity, tenacity and extraordinary hard work. The ABC has provided thousands and thousands of documents to police. We saw a highly politicised attack from the police Minister against the ABC, which does him no credit. We have seen other senior Government Ministers, the Hon. Matt Kean in particular, break ranks to come out and say we need a special commission of inquiry with royal commission powers. Now is the chance for the House to do the same—to stand up for the families, to stand up for justice and to finally get to the truth of this matter.

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

The House divided.

[In division]

The PRESIDENT: Order! As there is a problem with the fire doors on some floors, the bells will be restarted to allow members extra time.

Ayes20
Noes 16
Majority.....4

AYES

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

Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty
Moselmane

Nile
Pearson
Primrose
Secord
Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Latham
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Poulos
Roberts
Taylor
Tudehope

PAIRS

Searle
Sharpe

Khan
Ward

Motion agreed to.**KEEPING WOMEN OUT OF PRISON COALITION****The Hon. CATHERINE CUSACK:** I move:

That private members' business item No. 1195 outside the order of precedence be considered in a short form format.

Motion agreed to.**The Hon. CATHERINE CUSACK (11:48):** I move:

- (1) That this House notes:
 - (a) the Keeping Women Out of Prison Coalition [KWOOP], created under the Sydney Community Foundation is an independent, authoritative voice advocating for evidence-based support; and
 - (b) KWOOP's aim is to achieve better outcomes for women and children affected by the criminal justice system with a goal to reduce the number of women in prison and to minimise the impact of incarceration on their children and families.
- (2) That this House notes that:
 - (a) KWOOP's seventh "Empowering Women Changing Lives" fundraising breakfast will be held at Parliament House on Wednesday 11 August 2021 at 7.15 am;
 - (b) the keynote speaker will be Robert Tickner, AO, Chair of the Justice Reform Initiative, former CEO of Australian Red Cross and former Federal Minister for Aboriginal and Torres Strait Islander Affairs in the Hawke Government; and
 - (c) all members are encouraged to attend and support this life changing initiative.

On 25 September 2019 I hosted the sixth annual Empowering Women Changing Lives parliamentary breakfast on behalf of the Keeping Women Out of Prison Coalition [KWOOP]. Unfortunately, due to COVID-19, last year's breakfast could not go ahead but this year we will be back. I look forward to hosting the seventh Empowering Women Changing Lives parliamentary breakfast on Wednesday 11 August 2021. This year's keynote speaker will be Robert Tickner, AO, Chair of the Justice Reform Initiative. Mr Tickner is also a former chief executive officer of the Australian Red Cross and a former Federal Minister for Aboriginal and Torres Strait Islander Affairs in the Hawke Government.

The Keeping Women Out of Prison Coalition, formed in 2013, comprises individuals and organisations, service providers, philanthropic and not-for-profit organisations, universities and women with lived experience of the criminal justice system. It is a strategic partnership between the Sydney Community Foundation, the By My Side Fund, the Sydney Women's Fund, SHINE for Kids, the Community Restorative Centre through The Miranda Project, the Women's Justice Network, the Zonta Club of Sydney, the Australian Centre for Public and Population Health Research at the University of Technology Sydney, Corrective Services NSW, Dress for Success Sydney,

the University of New South Wales School of Social Sciences, Kathleen York House, Deadly Connections Inc., Soroptimists NSW, the National Council of Women NSW and the Country Women's Association NSW.

Their mission is to achieve better outcomes for women and children affected by the criminal justice system. KWOOP's purpose is to influence systems, policy and practice in order to reduce the number of women in prison and to minimise the impacts upon their families and children. KWOOP provides an independent authoritative voice advocating for evidence-based support and expertise. Over the past 10 years Australia's female prison population has been increasing at a faster rate than the number of men in jail, with Indigenous communities becoming further disproportionately affected. According to KWOOP's 2019 report there was a 33 per cent increase in the number of women in prison between March 2013 and June 2019. This was driven by a 66 per cent increase in the proportion of women on remand—not actually a growth in crime. Repeat offenders are more likely than first offenders to receive a prison sentence.

The report also shows that Indigenous women are significantly over-represented in the sentenced population with a 49 per cent increase from 2013 to 2019 compared to a 6 per cent increase in non-Indigenous women. To put it simply, the incarceration of Indigenous women has been growing at a faster rate than any other demographic. Recently, and more positively, with justice responses to COVID-19, as at December 2020 there were 12,766 adults in prison. That is a 6 per cent decline, or 869 fewer adults, than December 2019. Over 2020 the female prison population has shown a larger reduction than average. In that year to December 2020 the female prison population fell by 12 per cent compared to a 6 per cent reduction for males. The drivers for this reduction in numbers included an increase in custodial discharges as people were released from remand to wait for the court case in the community; a reduction in remand receptions due to changes in charge volumes and remand rates; and a reduction in prison sentences as court appearances were deferred.

Imprisonment carries with it significant social and economic costs in both the short and long terms. These costs are borne not only by imprisoned populations but also by their children, families and community as well as government and society. I will briefly note and pay tribute to the Commissioner of Corrective Services NSW, Peter Severin, who yesterday announced his retirement after 41 years with Corrective Services and nearly a decade in New South Wales alone. He has done a great deal to improve the status of women in our prison system. I will speak more about that at another time. We have a long way to go in the reform of our criminal justice system but by supporting the hard work and brilliant initiatives of organisations such as KWOOP, which carries that expertise, we will move in the right direction. All proceeds will return to the KWOOP Coalition to continue its life-changing work. Tickets to this year's breakfast are available at events.humanitix.com/kwoop-parliamentary-breakfast.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:53): I thank the Hon. Catherine Cusack for moving this motion. She has been an absolute champion on this issue for a number of years, together with many other issues. The member has worked hard and educated so many members in this place on these issues and the importance of everything that we can do for women in prison. I commend the member not only for bringing this motion to the House but also for sticking with an issue, believing in it, feeling passionate about it and bringing us all along with her. I thank the Hon. Catherine Cusack most sincerely for everything she has done in this space and for everything she has taught me. I note that the Keeping Women Out of Prison Coalition, created under the Sydney Community Foundation, aims to achieve better outcomes for women in prison in order to minimise the impact of incarceration on their children and families.

Last week I met with the Sydney Community Foundation CEO, Jane Jose; Sydney Women's Fund patron, Lucy Brogden, AM; and chair elect, Sophie McCarthy, to discuss their very important work. I know that the Hon. Catherine Cusack has been working with the Sydney Community Foundation to achieve better outcomes for women in prison. As I said earlier, I commend her work in this area. As the Minister for Mental Health, Regional Youth and Women I know how important it is to support and protect our vulnerable communities. The New South Wales Government has a range of programs to assist women in custody that are aimed at addressing trauma and reducing reoffending. Every member in this Chamber knows that we need to do more to honour those women and to assist them. Some of them have faced immeasurable trauma in their lives. This is a terrific motion and I again thank the honourable member for bringing it before the House.

The Hon. TARA MORIARTY (11:55): On behalf of the Opposition I indicate our support for this motion. I thank the Hon. Catherine Cusack for bringing it forward and for her work in this area. The Opposition acknowledges the great work done by the Keeping Women Out of Prison Coalition, an independent authoritative voice advocating for evidence-based support. We acknowledge the importance of its work in advocating for better outcomes for women and children affected by the criminal justice system and the very important goal of reducing the number of women in prison and minimising the impact of incarceration on children and on families. This motion notes the coalition's annual breakfast.

With the presence of COVID last year this event was not held but this year it will be held on 11 August with Robert Tickner as the keynote speaker. I am happy to support this event and I know there will be a number

of members of the Opposition in attendance to support not only the breakfast but also the work of this coalition of organisations in the work that it does. We need to do everything we can to reduce the incarceration rate of women, especially Aboriginal women, in the justice system. I am happy to support the work of this coalition in the future.

Ms ABIGAIL BOYD (11:56): I thank the Hon. Catherine Cusack for moving this motion and for raising the issue of the over-incarceration of women, in particular, Aboriginal women, in our prisons. When I was in law school I remember the foundation courses at the beginning of my degree and learning about why we have prisons and the criminal justice system. We focused on what is the purpose of prison. One possible purpose for prison is deterrence, another is punitive and yet another is protection and rehabilitation. Unfortunately our prisons are not doing that and people often come out of prison with worse problems than they went in with.

In addition to looking at the evidence-based support for women who have been imprisoned and minimising the impact on their families, we need also to look at why we are incarcerating so many people, particularly women and Indigenous people, in the first place. A lot of women, whether on remand or those who have been charged with the most minor of crimes, end up being imprisoned. The fact that it is happening is a direct result of the failure of our police and justice systems and of our support systems more generally. We must get to the point where we reserve prisons and incarceration as a last resort for protective purposes and not for punitive or deterrence purposes. I add that I will be at the breakfast.

The Hon. PENNY SHARPE (11:58): I make a contribution to debate on the motion moved by the Hon. Catherine Cusack. The Keeping Women Out of Prison Coalition is an important group that has been doing good work for a long time. The breakfast is an important annual event that helps us to understand what it means for women in prison, how the numbers are going, what it means for their children and the impact that it has on them. Very briefly, I put on the record that KWOOP does amazing work. In 2019 it did a snapshot of women in prison and provided this information to the committee that I served on that examined the over-representation of First Nations people in our justice system.

I think it is worth understanding what is happening for women, and particularly First Nations women. Some 32 per cent of women in custody in New South Wales are from First Nations, although our First Nations only make up 2.9 per cent of the New South Wales population. There has been a 33 per cent increase in the number of women in prison in New South Wales since 2013. The rapid increase of women in prison since 2013 reflects over-representation of First Nations women. There was a 49 per cent increase in sentencing of First Nations women compared to a 6 per cent increase in sentencing of other women in New South Wales. Some 87 per cent of First Nations women have experienced prior incarceration.

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

Questions Without Notice

INCLUSIVE PRACTICE IN EDUCATION SCHOLARSHIPS

The Hon. PENNY SHARPE (12:00): My question without notice is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given the Inclusive Education Statement for students with disability promises to support all students with disability in our mainstream schools, support classes and schools for specific purposes, why is the Minister offering only 100 Inclusive Practice in Education Scholarships to teachers, when previously she provided 200 per year?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00): I thank the Hon. Penny Sharpe for her question in relation to support for teachers around inclusive education. Specifically, she has referenced scholarships. As the member would be well aware, particularly as I recall her previous experience in shadow portfolios looking into disability, it is really important that we do have good learning environments for all students with disability. Many students—in fact, the overwhelming majority of students—who have additional needs are learning in mainstream classes in the New South Wales public education system. Many are in support units and some are in our schools for specific purposes, which do a great job supporting those children and their families. The member has asked specifically about the number of scholarships that are available in inclusive education and why there are only 100 this year. I am happy to take that part of the question on notice—in terms of the numbers, the take-up, any difference that there might be with previous years and the rationale behind that—and will come back to the member with a response.

REGIONAL ARTS TOURING FUNDING

The Hon. WES FANG (12:01): My question is addressed to the arts Minister. Will the Minister update the House on how the Government is supporting regional arts touring in New South Wales?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:02): I absolutely will. I know that there are a number of members of the House, including the Hon. Wes Fang, who have an interest in this one—and what an absolute cracker it is. Today I am announcing a record—

The Hon. Walt Secord: Point of order: All members know the standing orders. This will be a ministerial statement because the Minister said, "I will announce", which indicates it is a ministerial statement. The Opposition should be given equal time.

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

The Hon. DON HARWIN: I advise the House that a record \$1.9 million in funding for the 2021 Regional Arts Touring round will ensure that regional communities right across New South Wales have access to the very best the arts has to offer. Some 23 Sydney and regionally based companies—

The Hon. Walt Secord: Let them eat cake!

The Hon. DON HARWIN: —will tour across the State visiting over 136 destinations, reaching audiences of over 176,000 people and supporting more than 760 jobs. This record \$1.9 million funding represents a 70 per cent increase in the level of funding for regional touring on the previous year and a 150 per cent increase in the level of funding for regional touring since I became arts Minister. Small venues, particularly in regional New South Wales, have been hard-hit by COVID-19 so it is great to see a record number of shows getting on the road to stimulate local regional economies. From Lismore to Nowra and Muswellbrook to Dubbo, communities across regional New South Wales will get their fair share.

Time does not permit me to go through all 23 successful applicants, but for the benefit of the House I outline four. *Sunshine Super Girl: the Evonne Goolagong Story* is a landmark Australian work written and directed by Andrea James. It was a cracking success when it first opened in Griffith and at the Sydney Festival, and will tour to six New South Wales venues. The Australian Haydn Ensemble's Regional Intensity Project of masterclasses, workshops and performances of classical music will tour across the Northern Rivers and the Central Coast. Pinchgut Opera, a world-award-winning company, will embark on its first-ever regional tour that takes Monteverdi's *Vespers* to Armidale.

Ensemble Theatre's *Black Cockatoo*, the true story of legendary First Nations cricketer Johnny Mullagh and Australia's first-ever international sporting team, will tour to 11 New South Wales venues. Those are just four examples, and there are 19 other great ones. Significantly, however, I note that this fund will also invest directly in regionally based organisations to tour their works, including Orana Arts, Taragara Aboriginal Corporation and Little Quirks. It is a record to be absolutely proud of, and it is great news for regional New South Wales.

COVID-19 AND SCHOOL CLEANING STANDARDS

The Hon. JOHN GRAHAM (12:05): My question without notice is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given that the Minister's department sent a letter to schools indicating that nearly 500 New South Wales public schools will have their cleaning services cut, what is her response to parents, staff and students who are concerned about the ongoing threat of the COVID-19 pandemic?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06): I thank the Hon. John Graham for his question. In March 2019 a new cleaning contract was implemented by the Public Works Advisory under a new \$1.7 billion whole-of-government facilities management cleaning services contract. Eight new contracts were awarded to deliver cleaning services to about 4,200 government sites across the State, including schools, TAFE campuses and ambulance, police and fire stations. A ninth contract was awarded to cover office buildings occupied by government agencies in the Sydney CBD.

The new contracts include safeguards to fully protect cleaners' rights and entitlements. The contracts also incorporate the cleaning standards that have been applied to all New South Wales schools in previous contracts. The cleaning contract implemented in March 2019 was designed to be more equitable for all schools and included a reduction in cleaning hours at some schools in line with the benchmark applied across all schools. The department agreed to these reductions in hours after reviewing all individual schools, noting that these reductions can be achieved without impacting the department's rigorous contractual cleaning standards.

Transition arrangements were implemented for the 2019 school year, with all arrangements under the new contract due to take effect from the start of the 2020 school year. However, the COVID-19 pandemic delayed implementation of the new contract at schools where agreed reductions in hours had not yet taken place. In addition, enhanced cleaning in place during the COVID-19 pandemic was implemented in line with advice

from NSW Health. As I have said in the House before, any changes to enhanced cleaning will be determined in consultation with NSW Health based on current health advice and will be clearly communicated to schools.

The Hon. JOHN GRAHAM (12:07): I ask a supplementary question. Will the Minister elucidate that part of her answer in which she talked about these contracts, which have the same cleaning standards but reduced hours? What does the Minister say to one cleaner from regional New South Wales who today stated publicly, "It's just getting beyond a person's ability"?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08): As I said in my earlier response, the cleaning standards adopted in the new contracts are identical to those in the previous contracts.

The Hon. John Graham: Correct, but the hours are down.

The Hon. Penny Sharpe: Same work, less time.

The PRESIDENT: Order! The Minister will be heard in silence.

The Hon. SARAH MITCHELL: If principals have issues regarding the standard of cleaning at their schools, they are of course able to raise that—

The Hon. Penny Sharpe: When is the last time you cleaned a classroom?

The PRESIDENT: Order! Interjections across the table will stop. The Minister has the call.

The Hon. Trevor Khan: Point of order: It is not just interjections across the table. Of course, it is quite unparliamentary for the member who has asked the question to be firing the shots after doing so. But the interjections are also coming from other parts of the Chamber. If the Opposition wishes the Minister to answer questions then the Minister should be shown the courtesy of being able to answer the question without the repeated interjections that she has been sustaining each time she stands.

The PRESIDENT: I uphold the point of order. I caution members to exercise a little restraint. The Minister has the call.

The Hon. SARAH MITCHELL: As I said, if principals have issues regarding the standard of cleaning at their schools, they are able to raise it directly with the contractors. They can also raise their concerns or escalate them to the local School Infrastructure NSW office. The WebClean website can also be used to record a complaint and refer the matter to—

The Hon. John Graham: There are 500 of these schools.

The Hon. Natalie Ward: Point of order—

The PRESIDENT: I call the Hon. John Graham to order for the first time. The Minister has the call.

The Hon. SARAH MITCHELL: As I said, the WebClean website can also be used to record a complaint and refer the matter to Public Works Advisory for appropriate action.

The Hon. MARK BUTTIGIEG (12:10): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she said that the standards specified were the same. Does the Minister believe that necessarily flows into the same level of cleaning provided, given that hours have been cut?

The Hon. Sarah Mitchell: Point of order: In his question, the honourable member has asked do I believe. He is seeking an opinion and that is out of order.

The Hon. John Graham: To the point of order: The Opposition Whip is simply asking about the two facts which are in complete contradiction: the standards staying the same and the hours dropping.

The Hon. Damien Tudehope: To the point of order: The Deputy Leader of the Opposition does not address the point of order taken by the Minister. The question called for the Minister to give an opinion. Clearly, a question that seeks an opinion is not seeking to elicit a fact and is out of order.

The Hon. Daniel Mookhey: To the point of order—

The PRESIDENT: I have heard enough. The question was phrased to seek an opinion and on that basis it is out of order.

COVID-19 AND SCHOOL CLEANING STANDARDS

Mr DAVID SHOEBRIDGE (12:11): My question is directed to the education Minister. Has the Minister ever visited a New South Wales public school which had too many cleaners or cleaners who were working too many hours to keep their school clean? If so, can she please name them?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11): I thank Mr David Shoebridge for his question. I am happy to say I visit a lot of New South Wales public schools in my role as education Minister, as the member would know. Our staff who work at those schools do a wonderful job, and that includes those who do the cleaning. I have visited schools quite a lot in the past 12 months or so when the enhanced cleaning has been taking place and staff have told me how much that has helped to get kids back to normal when it comes to COVID and learning.

Mr David Shoebridge: Point of order: My point of order is relevance. The question was not directed to the Minister for a general statement about having visited schools and seeing cleaners. The question was whether the Minister has visited a school that was too clean, that had too many cleaners or cleaners working too many hours. The Minister is refusing to answer the question.

The Hon. Damien Tudehope: To the point of order: The question calls for the Minister to define "too clean". The Minister is articulating in very precise terms the fact that she has visited many schools during her term as the education Minister and has spoken with staff. To ask the Minister to give as part of her answer a satisfactory definition just to satisfy the member does not help in relation to the question. The Minister is answering the question based on her visits to the schools and her participation and interaction with cleaners and staff at those schools.

The Hon. Penny Sharpe: To the point of order: The contribution from the Leader of the House completely missed the point. The test is, is it directly relevant or generally relevant. The Minister is not being directly relevant.

The PRESIDENT: The Minister was making general comments while coming to the specifics of the question. I encourage the Minister to be directly relevant to the question.

The Hon. SARAH MITCHELL: I will also make the assumption that Mr David Shoebridge is asking his question in line with questions asked earlier about cleaning contracts. I refer to my previous answers about those matters.

Mr DAVID SHOEBRIDGE (12:14): I ask a supplementary question. The Minister has indicated in her answer that she has been to schools and was satisfied with the standards of cleanliness. Will the Minister explain to the House how those standards will be maintained under a contract that reduces the hours of cleaning in 480 schools across New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14): Once again, I refer to the previous answers that I have given in relation to these matters today.

The Hon. COURTNEY HOUSSOS (12:15): I ask a second supplementary question directed to the education Minister. Will the Minister elucidate that part of her answer where she spoke about visiting schools as to whether any of those schools were in regional areas and if the jobs that will be cut therefore adhere to the Government's policy around no regional job cuts?

The Hon. Shayne Mallard: Point of order: That is clearly a new question not directly related to the earlier questions or answers and should be ruled out of order.

The Hon. Daniel Mookhey: To the point of order: The question passes all three aspects of the test required for elucidation.

Mr David Shoebridge: Name them.

The Hon. Daniel Mookhey: I will. The second supplementary question gets up on the original question relevant to a point made by the Minister that she visited schools. It seeks an elucidation of the information provided—namely, whether or not it is in keeping with the Government's policy of no regional job cuts. Having satisfied all three tests, it should pass muster.

The PRESIDENT: I thank the Hon. Daniel Mookhey for his learned contribution. In reference to our hearing from our former President John Ajaka later today, the three-way test is a very special part of this House now. In this regard, the second supplementary question satisfies the first two but it goes a little too far asking a separate question about job cuts in regional New South Wales. I rule it out on that basis.

WESTERN SYDNEY AND FAR NORTH COAST PUBLIC SCHOOLS

The Hon. SHAYNE MALLARD (12:17): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister provide details of her recent visits to schools in Western Sydney and the New South Wales far North Coast?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17): I thank the Hon. Shayne Mallard for his question. Without a doubt, one of the best parts of my job is visiting schools right across the State, meeting with students and teachers and gaining greater insight into what is happening inside our schools.

The Hon. Walt Secord: As you close them.

The PRESIDENT: Order! The Minister has the call.

The Hon. SARAH MITCHELL: I just reopened another one last week actually, Walt. There are some new ones coming.

The Hon. Walt Secord: What about Murwillumbah?

The Hon. SARAH MITCHELL: I will get to that.

The Hon. Shayne Mallard: Point of order: The Hon. Walt Secord is reverting to his behaviour of yesterday, interjecting in question time. I ask that he be called to order.

The PRESIDENT: I uphold the point of order. There are too many interjections from both sides of the House. I counsel members that where that cuts across the Minister's ability to answer the question, I will intervene. I ask members to exercise restraint. It is only Wednesday, not Thursday. I know State of Origin is coming up. The Minister has the call.

The Hon. SARAH MITCHELL: A few weeks ago I had the opportunity to visit and officially open the Yandelora School with the member for Camden, Peter Sidgreaves, as well as inspect progress on the new facilities at Passfield Park School. With the addition of the newly relocated Mainsbridge School, the Government has invested more than \$90 million in building purpose-built facilities to support students with disabilities in Sydney's south-west. I have seen firsthand the difference that these facilities can make and the quality education that it offers these students.

Picton High School is one of the latest to benefit from the Liberal-Nationals school building program. The \$112 million investment delivered 73 new general learning spaces, new library and special education facilities, as well as refurbishment of existing learning areas. I was pleased to join the member for Wollondilly, Nathaniel Smith, to officially open the redeveloped school. We also popped in to Mittagong Public School and had a chat with the principal, Aloma Stewart, where we heard about the great work that is being done at the school. Oran Park High School is another school delivered by this Government. I joined the member for Camden, Peter Sidgreaves, to officially open the new facilities. In operation since the beginning of last year, the school saw through the challenges of COVID-19 and will address the growth that is happening in Oran Park.

We are not done yet. Sydney's north west is also benefitting from the Government's investment. It was a pleasure to visit and officially open the Northbourne Public School, which has been operational since the beginning of this year. Since the middle of this term they have transitioned into their new permanent learning spaces, which are quite impressive. High school students are also getting a look in with the major upgrade at Riverstone High School that was completed in early 2020. The upgrade delivered new teaching spaces, with further work being undertaken at the school as it transitions from a years 7 to 10 school to a years 7 to 12 school. That week we also visited the North Coast. I paid a visit to Murwillumbah, where we held a very productive and informative roundtable with a number of key stakeholders, including the member for Tweed; my colleague in this Chamber Ben Franklin; and the member for Lismore, Janelle Saffin, who was at the meeting with us to discuss the campus.

The Hon. Ben Franklin and I wrapped up the week with a visit to Byron Bay Public School to officially open the 10 new classrooms and to talk about the more than \$450 million that our Government is investing in school infrastructure on the Far North Coast. While we were at Byron Bay Public School, the Hon. Ben Franklin and I were very touched when a young student named Blake made a speech. He said to us, "This is my second year being educated in the Q block complex. I believe that the opportunity of being taught in this building is unbelievable. I would like to thank the Department of Education and all of the families, companies and people that committed to building the block. Not only has the project succeeded but it has also helped students learn with ease." You cannot get better than that.

SYDNEY BURIAL PLOTS SHORTAGE

The Hon. MARK BANASIAK (12:21): My question is directed to the Hon. Bronnie Taylor, representing the Minister for Water, Property and Housing. Given that the Catholic trust had acquired sufficient land to accommodate burial needs for the next 50 years and had two development application proposals ready to lodge for burial plots at Macarthur Memorial Park and Nepean Gardens, why did the Minister, her office or her department tell them not to proceed? Who in the Minister's office or department gave that advice given her Government's concerns regarding the shortage of burial plots in Sydney?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:21): I thank the honourable member for his question. As I represent the Minister for Water, Property and Housing who resides in the other place and the question contained an enormous amount of detail, I will take the question on notice.

The Hon. Penny Sharpe: Very wise.

The Hon. BRONNIE TAYLOR: I thank the Opposition for the compliments. They do not often come my way so I will take them, even at this point. I will take that question on notice, and I will endeavour to get an answer as soon as possible.

ART GALLERY OF NEW SOUTH WALES

The Hon. ROSE JACKSON (12:22): My question without notice is directed to the Leader of the Government, Special Minister of State, and Minister for Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that the New South Wales art sector has been disproportionately affected by COVID-19, with artists struggling to make ends meet through the pandemic and limited financial assistance from State and Federal governments, why did the Minister's Government agree to spend nearly \$100,000 of New South Wales taxpayer funds on a lavish birthday event that included free designer umbrellas, \$13,000 of floral decorations and a massive \$10,000 birthday cake at the Art Gallery of New South Wales?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:23): Let me be clear from the outset that decisions relating to this function were taken by the art gallery, not by me or any other part of the department. The art gallery is Sydney's most important public gallery and one of Australia's flagship art museums. The event on 29 April was to celebrate its 150th anniversary, and the guest list was focused on key benefactors and corporate supporters of the gallery. The event was part of the gallery's ongoing successful fundraising strategy, which has raised \$5.7 million in corporate support and sponsorship as well as \$48 million in donations in the last year alone.

The success of the art gallery's best practice fundraising strategy is vital for three important reasons. First, the Sydney Modern Project capital campaign which has raised over \$100 million in private donations will be a game changer for the visual arts in New South Wales. The Sydney Modern Project capital campaign is the most successful philanthropic campaign of its kind to date in the Australian arts sector. Together with \$244 million being invested by the Government, this funding is enabling the largest expansion in the gallery's history.

The Hon. Daniel Mookhey: Point of order: My point of order is relevance. This question is directly to do with the expenditure of a particular event. My appetite is yet to be sated with a directly relevant answer to this particular question—that is, why was the art gallery and your Government spending so much money on this one particular event?

The Hon. Damien Tudehope: To the point of order—

The Hon. DON HARWIN: No, it is directly relevant. The reason that we have stakeholder events is to raise money and that is what I was talking about.

The PRESIDENT: There is no point of order. The Minister is being directly relevant to the question asked, which referred to financial status and the ability for financial assistance in the sector, which is directly related to the ability to fundraise. The Minister has the call.

The Hon. DON HARWIN: This funding is enabling the largest expansion in the gallery's history, nearly doubling exhibition space and providing a vibrant cultural destination with two gallery buildings joined by an art garden. Secondly, the reason a best practice fundraising strategy is vital is because of the role donors play in supporting acquisitions. Since 2016-17 the Art Gallery of New South Wales has spent \$66.6 million acquiring 2,072 works, all funded by donors through the foundation, other fundraising purchases, gifts and bequests. The last time the Art Gallery of New South Wales spent money provided out of the budget on acquisitions was well over 30 years ago.

Finally, the philanthropic and corporate support that the art gallery has nurtured over many years means that it is able to build on the State's investment to provide a magnificent public art museum, open to the community free of charge, to bring the best exhibitions to New South Wales, to provide our community with free and ticketed art experiences and to grow the State's art collection. The art gallery is the custodian of over 35,000 artworks worth \$1.8 billion and hosts an average of 1.4 million visitors a year.

The PRESIDENT: Order! The Minister's time has expired.

The Hon. DON HARWIN: I seek leave for an extension of one minute.

Leave granted.

The Hon. DON HARWIN: The gallery also provides inspiring art education experiences for around 100,000 students and teachers, 66 per cent of whom come from western Sydney or regional New South Wales. I congratulate the gallery on its significant anniversary and I look forward to continuing to work on its philanthropic and corporate sponsorship strategy as we enter an exciting new year for the gallery. Comments were made in the question about our support for artists. We have absolutely supported the visual arts sector during COVID-19.

The Hon. Penny Sharpe: You have not supported individual artists.

The Hon. DON HARWIN: Yes, we have. You are quite wrong, and you should not open your mouth unless you know the facts.

The PRESIDENT: Order! The Minister will direct his comments through the Chair. The Leader of the Opposition will not interject. I ask both to exercise restraint. The Minister has the call.

The Hon. DON HARWIN: Visual arts organisations have distributed over \$5.4 million to artists from the Rescue and Restart package. [*Time expired.*]

The Hon. ROSE JACKSON (12:28): I ask a supplementary question. Will the Minister elucidate the part of his answer where he referred to the philanthropic and fundraising strategy of the Art Gallery of New South Wales? How much money has the New South Wales Government spent on the philanthropic and fundraising strategy in 2020-21?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:29): Let me make it quite clear that the record in the past week is that the philanthropic arts strategy has brought in \$48 million in donations. In the time that I have been the arts Minister, basically we have brought in \$66.6 million to support acquisitions—

The Hon. Walt Secord: Point of order—

The Hon. DON HARWIN: —and \$103.5 million to support the building of a new gallery.

The PRESIDENT: Order! The Minister will resume his seat.

The Hon. DON HARWIN: That is pretty good—\$200 million in four years.

The PRESIDENT: The Hon. Walt Secord has the call.

The Hon. Walt Secord: My point of order relates to relevance. The question asked specifically how much was spent on fundraising. It was very specific.

The PRESIDENT: I believe the Minister is being relevant. I ask the Minister to continue. The Minister has the call.

The Hon. DON HARWIN: I think what this line of questioning is displaying is the fundamental lack of understanding among Opposition members of how cultural institutions operate.

The Hon. Anthony D'Adam: Point of order: The Minister is evading the supplementary question.

The PRESIDENT: The Minister will return to the leave of the supplementary question asked by the Hon. Rose Jackson. The Minister has the call.

The Hon. DON HARWIN: Moreover, the lack of understanding applies not just to how the cultural institutions work but also how independent arts organisations work. Every cultural institution within government and every independent arts organisation has to invest funds to be able to attract corporate sponsorship and to be able to attract philanthropic support.

The Hon. Daniel Mookhey: How much?

The Hon. DON HARWIN: "How much", I keep hearing. A tiny fraction of the \$200 million that one cultural institution has raised in four years—a tiny fraction of it. If the Hon. Rose Jackson wants a specific number, I will take the question on notice and obtain the figure for her.

The Hon. COURTNEY HOUSSOS (12:31): I ask a second supplementary question, which is directed to the arts Minister. Will the Minister elucidate that part of his answer relating to the fundraising strategy and future plans? Will the Minister rule out the use of \$10,000 cakes at future fundraising events?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:31): I think I made it very clear that it was not my decision. Frankly, I am not an event organiser and I do not make decisions about cakes, menus or wine. I cannot believe such a ridiculous question has been asked of me. I will tell the Opposition what I do: I expect the trusts of the cultural institutions and the trust members to be keeping their organisations honest and to be overseeing fundraising strategies to make sure they get results. There is absolutely no doubt in my mind at all that David Gonski, as president of the board of trustees at the art gallery, has been delivering in that role. The trust is doing a good job and I have absolute confidence that the trust will continue to do a good job. The evidence of its work over the past four years shows what a good job it has been doing. A combined total of over \$200 million has been raised from philanthropists to support acquisitions and to support the building of Sydney Modern. It is a pretty damn good record.

REGIONAL AND RURAL MENTAL HEALTH SERVICES

The Hon. SAM FARRAWAY (12:33): My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the Government doing to provide mental health support to our regional and rural communities in this year's budget?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:33): I thank the Hon. Sam Faraway for his question. I am pleased to say that regional and rural communities facing ongoing adversity in the wake of natural disasters will have access to more mental health support than ever before. Whether it is bushfires, floods, droughts, COVID or now a mice plague, regional communities will have access to 57 response and recovery specialists. In this year's State budget \$36.4 million will be allocated to these specialists for up to four years. This funding is on top of the record \$2.4 billion in last year's budget. The 57 psychologists, counsellors and peer support workers build on a range of other community and hospital-based mental health services funded by this Government. There are psychologists and counsellors who provide expert clinical support, but there are also farm gate counsellors and peer support workers who are now available all year round. For example, in the Murrumbidgee region, we have four counsellors based in Griffith, Deniliquin, Temora and Wagga Wagga. They are supported by a Rural Adversity Mental Health Program coordinator.

All the response and recovery specialists work with the local health district [LHD], the community, welfare agencies and mental health services to provide direct care and also respond to local community needs and emerging issues on the ground. The best thing about these positions is that they are members of their own communities and they can provide a unique local insight as well as a friendly soft entry to mental health support. People can find them on their local LHD website, via the mental health line and call them directly to organise a time to talk. They can meet them at their local cafe, at home at the kitchen table, or any other location of their choosing. One of our peer support workers in Orange who used to be a livestock carrier—a truckie—is now one of our peer support workers. He has been doing a lot of home visits. He has been visiting people and he talked about all the morning teas and afternoon teas he has enjoyed with local people along the way. The work that he has done out there is just terrific.

The counsellors are on the ground and are already right across New South Wales. The New South Wales Government is committed to ensuring that people in regional and rural communities can access support where and when they need it. The positions can respond flexibly to local issues which are not necessarily a result of natural disaster. Local issues may include responses to tragic events or general rural adversity as a result of isolation and stigma as well as adverse climate conditions, pandemics, and disasters. The Government is proudly supporting this to build a stronger and safer regional New South Wales. I give a particular shout-out to all of those people who are working so hard in our local communities to make sure that others can have the best possible mental health supports available.

CEMETERIES AND CREMATORIA NSW

The Hon. MARK BANASIAK (12:36): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water, Property and Housing. Given the Premier's political gymnastics after the Minister tried valiantly but failed to consolidate all cemetery trusts into a single operator, is it not true that the Minister plans to merely amend the current legislation, leaving convenient

backdoors for the Government to do a hostile takeover again and perform heists on the trusts to take advantage of people at their worst hour of need?

The Hon. Don Harwin: Point of order: The question is full of argument, ironical expressions, epithets, you name it. It is beyond help and it is out of order.

The PRESIDENT: I uphold the point of order. It was rather entertaining but I think it offends a number of principles.

SCHOOL LANGUAGES CURRICULUM

The Hon. GREG DONNELLY (12:37): My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given that only 5 per cent of students who have English as their first language study another language for the HSC, what steps is the Minister taking to respond to students not enrolling in those subjects as they scale down student Australian Tertiary Admission Rank scores?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:38): I thank the Hon. Greg Donnelly for his question, particularly in relation to the number of students who are offered or who are taking courses other than English, particularly in the HSC years. That was the inference in his question. Obviously, when I have been asked about this in the past, I have been quite open. I think there is great potential and opportunity for students who learn an additional language. A lot of research shows that learning an additional language actually helps students with their literacy skills as well, particularly in the earlier years. As the Hon. Greg Donnelly would be well aware there are requirements through the New South Wales Education Standards Authority [NESA] for minimum hours of a second language in different school years and that remains the case.

When it comes to subjects in years 11 and 12, obviously students are able to make decisions based on their own interests. I am very pleased that New South Wales offers one of the most comprehensive school languages curriculum in the world. There are 84 language board-developed courses that span 34 different languages that students can learn between kindergarten to year 12. While there are annual variations, the advice I have is that approximately 9 per cent of year 12 students study a language for the HSC. One of the things that I have seen in the few years I have been education Minister going to HSC First in Courses is that a large number of language courses are offered, and I think that is a positive thing. In terms of encouraging students to take languages again, they are able to make choices in year 11 and year 12 based on their own interests, their own needs and where they are looking to go after school. As I said, we are happy to encourage students to take language courses, and many of them do. We will continue to support that curriculum in New South Wales.

The Hon. GREG DONNELLY (12:39): I ask a supplementary question. In light of the answer given, will the Minister elucidate and confirm that she has knowledge or is aware of a report in *The Sydney Morning Herald* that stated:

Sixteen education and language experts have written to the NSW Vice-Chancellors' Committee, which runs the University Admissions Centre [UAC], saying the number of students taking community languages has shrunk dramatically since the scaling changed 20 years ago.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40): As I said in my earlier answer, while there are minor annual variations, approximately 9 per cent of year 12 students in New South Wales study a language for the HSC. My advice is that this has remained relatively steady since 2015. Interestingly, the member may like to know that the number of students studying Arabic, Korean, Spanish and Vietnamese for the HSC has increased over the past five years and that Japanese and French are consistently the languages with the highest candidature for the HSC—just a bit of extra trivia for the member. In his supplementary question, the member asked specifically about language experts writing to chancellors of universities in relation to the University Admissions Centre [UAC]. Obviously the UAC is a separate body from the NSW Department of Education. I am not the Minister with responsibility for higher education; that is the Hon. Geoff Lee. But I am very happy to take the specifics of that second question on notice in relation to any recommendations or writings that may have been sent to the chancellor committee and the UAC's response, given that that does fall outside of my portfolio responsibilities.

The Hon. COURTNEY HOUSSOS (12:41): I ask a second supplementary question. The Minister in her answer spoke about the experts who had written to the University Admissions Centre. Will the Minister undertake to also review the way that those subjects are scaled in order to encourage more students to study a second language?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:42): As I said in answer to the supplementary question from the Hon. Greg Donnelly, matters relating to the University Admissions Centre [UAC] are outside my portfolio responsibilities. Indeed, the UAC, as the member would know,

is an organisation that is run by the chancellors. I am happy to seek advice on this matter, as I said in response to the Hon. Greg Donnelly, and I will come back with an answer.

SMALL BUSINESS REBATE SCHEME

The Hon. CATHERINE CUSACK (12:42): My question is addressed to the Minister for Finance and Small Business. How is the \$1,500 rebate scheme helping small businesses across New South Wales get on with the job and participate in the economic recovery from COVID-19?

The Hon. Daniel Mookhey: Stimulus 3.0. Third time lucky? Do you have this money out the door?

The Hon. Mick Veitch: Don't respond to interjections, Damien.

The PRESIDENT: The Minister has the call. Members will give him a moment to respond.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:43): It is clear that a lot of members on that side of the Chamber are auditioning for opportunities. They have not got a shadow Cabinet yet. The Hon. Rose Jackson is a hot contender. I think the Hon. Walt Secord, who is sitting on the backbench, wants the Arts portfolio back.

The Hon. Walt Secord: I am just a humble backbencher.

The Hon. DAMIEN TUDEHOPE: They are humble backbenchers. They are all auditioning. This is a great opportunity for them to show their wares.

The Hon. Shayne Mallard: Who is watching?

The Hon. DAMIEN TUDEHOPE: Exactly. Who is watching? I think my wife was watching yesterday.

The PRESIDENT: The Minister will answer the question.

The Hon. DAMIEN TUDEHOPE: I thank the member for her great question and for the opportunity to participate in the auditioning. There is a very serious aspect to this issue because it demonstrates the manner in which the Government has been supporting small business during the pandemic and as we come out of the pandemic. Members would realise that the release of the NAB Monthly Business Survey occurred just yesterday, showing the conditions in New South Wales rose by 13 index points—from plus 27 in April to plus 40 in May—a record high for New South Wales. Business confidence remains high at plus 21, well above the decade average of plus 4. Whether it is direct grants or tax cuts, our new extended Dine & Discover program—and thanks for asking for it yesterday. We listened to you. We listened to the Hon. Daniel Mookhey. He came into this place yesterday and said, "When are you going to extend it?" Today we did it. We just extended it.

The PRESIDENT: Order! I know the Minister is inflaming the Opposition, but I ask members to show restraint.

The Hon. Rose Jackson: You are so responsive.

The Hon. DAMIEN TUDEHOPE: You are going well, mate. He is going to give you a job for sure. Don't get too excited.

The PRESIDENT: The Minister will direct his comments through the Chair.

The Hon. DAMIEN TUDEHOPE: The rebates are opportunities for businesses to claim refunds from food authorities, tradesperson registration fees, liquor licences, vehicle registration and the like. The rebate can be applied for on eligible fees and charges due to be paid between 1 March 2021 and 30 June 2022. In the first eight weeks of the program we have already had 11,151 claims totalling \$9.2 million in rebates.

The Hon. Daniel Mookhey: Is that all?

The Hon. DAMIEN TUDEHOPE: Yes. The average amount of the claims so far—

The Hon. Daniel Mookhey: Are you seriously boasting about that?

The Hon. DAMIEN TUDEHOPE: It does not expire until April next year. We will get it out the door because we are looking after businesses in New South Wales.

COALMINING INDUSTRY

Ms ABIGAIL BOYD (12:46): My question without notice is directed to the Deputy Leader of the Government, representing the Minister for Regional New South Wales, Industry and Trade. NSW Treasury modelling in the *2021-22 NSW Intergenerational Report* predicts that within the next 20 years coal's share of the energy mix in the State will decrease from 54 per cent to 6 per cent and further concedes that coal production is

now projected to be significantly weaker than the long-term estimates presented in the 2016 intergenerational report. Why then does the New South Wales Liberal-Nationals Government continue to lie about the future of coal in this State despite the evidence, leaving coal workers and communities to fend for themselves instead of committing to facilitate a rapid, planned and just transition out of coal?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:47): I thank the honourable member for her question directed to me, representing the Deputy Premier in his role as the Minister for Regional New South Wales, Industry and Trade. Being a very detailed question, I will take the majority of it on notice. I cannot let an opportunity go by when there is a reflection on the Government and our support of the coal industry. We are proudly in support of the coal industry. The Deputy Premier particularly—

The Hon. Mark Latham: What did Upper Hunter say?

The Hon. SARAH MITCHELL: Exactly. I acknowledge that interjection from the Hon. Mark Latham. At 3.20 p.m. today we will hear the inaugural speech of the new member for Upper Hunter who is being sworn in. He is a very proud member of The Nationals and a very proud member of the Liberal-Nationals Coalition Government. He was very firmly elected with a platform to support the coal industry in his community. He is going to be a bloody good local member. He is a very decent and honourable man. It is incredibly exciting for the people of Upper Hunter and for the future of industry in that community that they have Dave Layzell in this place.

As I said, the Government will not shy away from our support of the coal industry. I live in Gunnedah, which is very much reliant on the support that it gets from the coal industry. Members of my family work in the coal industry and have for a long time. It is very important for regional communities who have access to that asset to use it for the economic opportunities that it presents. For many of us—particularly when we have good coexistence between mining and agriculture—when we have tough times during drought, I can say that one of the things that helps prop up the Gunnedah community and our local economy is the fact that we have the coal industry. We have had it in our community for over 100 years. I am certain that the Deputy Premier will have no hesitation in backing in the coal industry. I will take on notice the specifics of the reports that the member has referenced and refer it to the Deputy Premier for an answer, who I am sure will be very robust in his support for coal in New South Wales.

Ms ABIGAIL BOYD (12:49): I ask a supplementary question. Will the Minister elucidate on how it is possible to support coal workers and coal communities by not providing a job-for-job planned transition for those workers when coal inevitably leaves those towns and leaves those workers high and dry?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:49): I reference a lot of the commitments and the conversations that were had during the Upper Hunter by-election. The Deputy Premier made very clear the packages that will be in place to help communities transition at the appropriate times. A lot of us spent a lot of time in the Upper Hunter. A lot of us did. I was there a lot. Most of us on this side of the table were there. The Hon. Taylor Martin was there. He had a good time helping out on election day, I can assure you. Lots of those opposite where there as well. While I appreciate the member asking the question, there is certainly a lot of support—

The PRESIDENT: Order! The Minister has the call.

The Hon. SARAH MITCHELL: As I said, we are a Government that is very comfortable with our support for coal communities and the coal industry. I will leave it at that.

The Hon. MARK LATHAM (12:50): I ask a second supplementary question. Will the Minister elaborate on any possible reason by which coal would be leaving the Hunter Valley, given that The Greens-aligned Australia Institute recently reported that there is a pipeline of investment for new coalmines and coal investment in the Hunter Valley—the equivalent of 10 Adanis—that would sustain the industry for many decades to come?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51): I thank the Hon. Mark Latham for his second supplementary question in relation to that report. I actually have not seen that one, Mark.

The Hon. Mark Latham: It's good. Have a read.

The Hon. SARAH MITCHELL: I might get you to drop it into my office. I often look at reports that Mark drops in to me. I think the member makes an excellent point that there is a very strong future for the coal industry in the Hunter Valley. The election of the member for Upper Hunter on a pro-coal platform reinforces that the support David Layzell received from the local community tells that story. As I said, it is worth members tuning in to his inaugural speech this afternoon because I am sure he will have plenty to say about the future of the Upper Hunter.

AUSTRALIAN MATHEMATICS CURRICULUM

The Hon. DANIEL MOOKHEY (12:51): My question is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given that the 2019 Programme for International Student Assessment results showed that only 52 per cent of New South Wales students can demonstrate more than elementary skills in maths, what is the Minister's response to parental and community concerns that the proposed national maths curriculum is diluting and delaying content and will fail to arrest decline in our students' maths abilities?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:52): I thank the Hon. Daniel Mookhey for his question in relation to the proposals for the Australian curriculum. A draft is out for consultation now. I have made public comments about this, which I am happy to reiterate in the House. In New South Wales we set our own curriculum. But not long ago education Ministers met from all jurisdictions around the country. I made it clear that the New South Wales curriculum reforms currently being implemented are based on evidence to improve student outcomes and, frankly, the Australian curriculum should do the same. We want students to master the basics as they build a strong foundation to learn. I do not want to see key fundamentals, like understanding phonics or learning times tables, pushed back further in a child's education. Our explicit approach in the New South Wales curriculum means that evidence-based practices, like teaching reading using phonics and learning basic maths, feature prominently and early. Again, this should also be the case in the Australian curriculum.

The work we are doing to implement our own once-in-a-generation curriculum reform has been extensive. We are working on the K-2 syllabus in maths and English to make sure we implement the strongest evidence-based curriculum in New South Wales. That is certainly my expectation of the Australian curriculum. As I have said, the draft is out for consultation. New South Wales will, of course, put in a submission to that process. I also met with the Chair and CEO of the Australian Curriculum, Assessment and Reporting Authority [ACARA] not long ago and expressed those concerns directly. We had a good conversation about this with education Ministers not long ago and we are meeting again in a few weeks where I am sure it will come up. To put it simply, we want evidence-based reforms. I do not want to see key fundamentals being pushed back further in a child's education.

The Hon. DANIEL MOOKHEY (12:54): I ask a supplementary question. I ask the Minister to elucidate on her answer about the New South Wales Government putting in a submission. Will the Minister clarify if that submission will say that New South Wales will not agree to any curriculum that weakens New South Wales maths standards?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:54): As I said in my earlier answer, in New South Wales we have what is effectively called an "adopt and adapt" approach when it comes to the Australian curriculum. We can use it as a benchmark, but we do not have to carbon copy it into our own curriculum. We set our own curriculum in New South Wales, and they are the documents and syllabus documents our teachers use. We always implement the strongest evidence-based curriculum in New South Wales. The Australian curriculum is open for feedback. We will provide a response to the Commonwealth Government on our views. I directly told ACARA my views when I met with it. My understanding is that there will be a joint response from all three sectors in New South Wales into that process to ensure we maintain the high integrity we have in our curriculum in New South Wales. It is very important.

The Hon. COURTNEY HOUSSOS (12:55): I ask a second supplementary question. In relation to the part of her answer where the Minister talked about the adoptive and adaptive part of the curriculum, will she outline which other parts of the national curriculum she will refuse to put into the new draft curriculum?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55): Mr President—

The Hon. Trevor Khan: Point of order—

The Hon. Walt Secord: Point of order: The Minister had already begun to answer the question.

The PRESIDENT: I will hear the point of order taken by the Hon. Trevor Khan.

The Hon. Trevor Khan: If one applies the three-step test—

The Hon. Penny Sharpe: The Ajaka convention.

The Hon. Trevor Khan: Yes, the Ajaka convention, which I never quite understood. I thought he was so often wrong.

The PRESIDENT: The Hon. Trevor Khan should get to his point of order.

The Hon. Trevor Khan: The question the member asked does not in any way relate to the original question. It essentially constitutes a new question.

The Hon. Daniel Mookhey: To the point of order: As I asked the original question, I say it does. First, my original question had everything to do with the proposed national maths curriculum diluting and delaying content. That gave rise to community concerns, so it therefore passed the first test because it arises from that. Secondly, the second question has to stand from a matter raised by the Minister, which it did with the "adopt" principles that the member referred to. Thirdly, the second question must seek elucidation. It sought elucidation on the parts the Minister will refuse to adopt. If we take it in its full context, it passes all three tests.

The Hon. Walt Secord: To the point of order—

The PRESIDENT: I have heard enough on the point of order, unless the Hon. Walt Secord has a dire need to stride to the microphone.

The Hon. Walt Secord: As happens on many occasions in this Chamber, once a Minister indicates they will answer a question, the question goes ahead. The Minister clearly indicated that she was going to answer. She was on her feet and uttered a syllable and began to answer until the Hon. Trevor Khan took a point of order.

The Hon. Trevor Khan: Further to the point of order: The President gave me the call. The Hon. Walt Secord then sought to make his interjection. He is not accepting the position of the Presiding Officer in allowing a member to take the call. He may not agree with it and he often does not, but the bottom line is that the Presiding Officers run this place, not the honourable members. His point of order is essentially cavilling the President's ruling.

The PRESIDENT: I have heard enough on the point of order. We will move on. The Hon. Trevor Khan made a fair point. In relation to the point of order that was taken, it is a finely balanced proposition. The original question talked about maths; the second supplementary question asked about the maths curriculum. The Minister's answer referred to maths, English and other aspects of the curriculum. I will allow the second supplementary question on the basis of the Ajaka three-step test.

The Hon. SARAH MITCHELL: I am actually struggling to remember the question now that there have been so many. I think it was about what other parts we would refuse.

The Hon. Courtney Houssos: What are you going to rule out?

The Hon. SARAH MITCHELL: Yes. What I will say to that is—

The Hon. Ben Franklin: It was a long time ago.

The Hon. SARAH MITCHELL: It feels like it was a long time ago. What I will say in relation to that is that the Government is currently going through a process of responding to a draft curriculum. It is only a draft curriculum that has been put out by ACARA. I have said in my earlier answers given to the House today that the Government will certainly be making a submission on behalf of New South Wales in terms of its review on that draft curriculum. The final curriculum will then need to be considered by Ministers from all around the country in due course. Trying to pre-empt what will or will not be in the final version of the draft curriculum that is currently being considered and what may or may not be adopted and adapted in the approach that will be taken by New South Wales is a little hard to do at this point of the process.

I stick by my earlier comments in terms of evidence-based approach and not delaying any fundamentals when it comes to things like maths and English. The Government has made that clear in the work it is doing in New South Wales with our K-2 curriculum particularly, starting with maths and English, and understanding the importance of getting the basics right. Given the interest in maths as expressed by members opposite in their questions today, I offer to them a great campaign that we have at the moment—#MathsTrainsBrains. It is a good, everyday maths hub. They can have a look at it with their kids and make sure that their kids are doing maths at home, as well as help their children in their early years. Both the members who asked these questions today have young children, as do I. I would highly recommend that they check out the campaign. It has good stuff that they can do, especially cooking.

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

*Supplementary Questions for Written Answers***NEW SOUTH WALES CULTURAL INSTITUTIONS**

The Hon. WALT SECORD (13:01): My supplementary question for written answer is directed to the arts Minister. As of 1 June how much did each of the major cultural institutions spend on fundraising activities in 2019-20 and 2020-21?

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

The Hon. JOHN GRAHAM: I move:

That the House take note of answers to questions.

ART GALLERY OF NEW SOUTH WALES**COVID-19 AND SCHOOL CLEANING STANDARDS**

The Hon. JOHN GRAHAM (13:02): In the answers given by the Leader and the Deputy Leader of the Government in the House today we heard a tale of two very different cities. The Leader of the Government told us about an event at the Art Gallery of New South Wales where Sydney society had gathered at a glittering affair, with a \$10,000 cake in the middle of it. Meanwhile, the Deputy Leader of the Government told us about cuts to schools and to cleaners right across New South Wales. This is New South Wales under the Liberals and The Nationals. The Leader of the Government made a defence of the \$10,000 cake. He said it had raised a lot of money over time—and I am sure that is true; I am sure the event turned a profit—but he seemed totally unaware that it was completely out of step with community expectations. That is the issue the Opposition raises in the House today.

Meanwhile, over at the Department of Education some 480 schools, as outlined by the Deputy Leader of the Government, had their cleaners cut. The Minister was clear that the cleaning standards will stay the same while the cleaning hours are cut in those schools. She made no defence about how the cuts might work. She simply asserted that the cleaning standards will stay the same while the cleaning hours are cut. If there was any moment in today's society to understand the value of the work that those cleaners do, whose work has got us through the past 18 months, it would be right in the middle of a pandemic, and the Government is pressing ahead with cutting those cleaners. It is appalling. The cuts have been panned by people such as Secondary Principals' Council president Craig Petersen. I thought one cleaner from regional New South Wales said it best:

You're running around like buggery to try and keep up with everything ... It's just getting beyond a person's ability.

Lyndal Ryan from the United Workers Union said:

It is shocking that we would risk kids' health by reducing a cleaner's ability to do their job.

That is the reaction out in the community. As to the art gallery event, if the arts Minister for the Government wants any idea about the reaction of artists, he should read the clear comments of Tim Levinson, otherwise known as Urthboy, one of the greatest hip-hop artists that this country has had. He may have been saying this rather cheekily, but he said:

I stand with my fellow Australians who are humbled and accept that we must suffer so that the rich can be protected from the rain ... even if there's one in the car and two at the front door, you never know when they may need another [umbrella].

That is how artists are reacting to what is going on. The Government is totally unaware of the contradiction between what is going on in one part of town and what is happening on the ground in regional New South Wales in our schools. The Opposition is opposed to where the Government is heading.

COVID-19 AND SCHOOL CLEANING STANDARDS**SYDNEY BURIAL PLOTS SHORTAGE**

The Hon. MARK BANASIAK (13:05): I too stand with the cleaners. In my time I have visited quite a few schools and I have seen cleaners in fits of sweat, literally, trying to do their job. To provide a bit of context as to what those cuts will potentially mean in terms of hours, currently the average time taken to clean a classroom is around three minutes. Three minutes to clean a whole classroom! Multiply that across the number of classrooms in a school and is it any wonder why those cleaners are in fits of sweat. Now the Government wants to cut that even further. It is just disgusting.

I acknowledge that my second question today was full of irony but I reject that it was beyond help. But seriously, what is beyond help is the Government. The Government thinks that it is acceptable to the community that it can reach in and steal money from a religious organisation trust to make up for its own deficit and its own

failings in this space and that it can get away with it. The Government thinks it can get its hands caught in the cookie jar, do its political gymnastics and backflips, then walk out the kitchen and no-one will notice. The Government has been noticed. We do know that the Government still wants to continue down this path, and we will be watching. We will be waiting, ready to strike again and make sure that it does not happen.

SMALL BUSINESS REBATE SCHEME

The Hon. CATHERINE CUSACK (13:07): I take note of the answer given by the Minister for Finance and Small Business to the question on the small business rebate scheme. I note that the Minister reported the final figures on the earlier fee and licence waiver scheme, which was one of the many measures introduced by the New South Wales Government in March 2020 as we faced the uncertain challenges of the COVID-19 pandemic. That scheme, which budgeted up to \$80 million for fee and licence waivers for small business, ran from April 2020 to April 2021 and sought to support all small businesses. It is pleasing to note that 92 per cent of the budgeted allowance—\$73.478 million—was spent. What a welcome break for tradies and small restaurants during the height of COVID-19 to have those fees and licences waived.

As the Minister informed the House, the new \$472 million program, which kicked off in April 2021 and will run until June 2022, has already attracted over 38,000 small businesses to register for their \$1,500 rebate. The first \$9 million is already in the pockets of tradies and small business owners. It is helping them to keep in business and it is contributing to the economic recovery that we have heard is well underway. It is fantastic to see the high levels of business confidence and business conditions in New South Wales, with New South Wales recording a record high of plus 40 index points in a recent NAB business conditions survey. We are the envy of Australia. This New South Wales Government is leading the way in economic recovery from COVID-19. The \$1,500 rebate scheme is just one of the many measures assisting small businesses contribute to the recovery. I thank the Minister for his answer and congratulate him on his very excellent report to the House.

ART GALLERY OF NEW SOUTH WALES

The Hon. ROSE JACKSON (13:09): I take note of the answer given by the arts Minister in relation to the Art Gallery of New South Wales' 150th birthday event. The first part of the Minister's answer was to give a hospital pass to the art gallery's board in relation to the issue, which is an embarrassing failure to take responsibility for what is actually happening in cultural institutions in our State. The second part of the Minister's answer was a defence of the expenditure as being part of necessary fundraising activities. It is true that I do not rub shoulders with the big end of town as regularly as the Minister does, clearly. I do not hang out with very rich people and I do not pretend to be an expert on their psychology, but I would like to think that they would support the art gallery because they support quality art. I would like to think that they would donate to the art gallery because they support the wonderful, free cultural institution that is the Art Gallery of New South Wales. Good on them. I would like to think that is what is motivating people when they make those contributions.

Do they really care, when they are opening their wallets, about a fancy cake? Do they really care about a nice floral bouquet or a hot pink red carpet? Of course they do not. It beggars belief that the actual strategy underpinning a multimillion-dollar fundraising plan is a designer umbrella. I googled the umbrella; it was very nice. But, honestly, is that really what the Minister is saying? It is plainly ludicrous to suggest that events such as this are necessary to ensure that there is philanthropic support for our art galleries. We know why they did it: It was because it was fun. I am sure it was an enjoyable event. The lockdowns have been hard for everyone. We all want to be able to go out again and attend nice dinners. That is fine, but this particular event was completely over the top. What about a public celebration open to everyone? Come along, canapés and drinks for all! That is the kind of thing that you would do if you genuinely cared about something like the Art Gallery of New South Wales as a cultural institution for everyone.

Artists are really struggling. Exhibitions have been cancelled, gigs have been cancelled and venues have been closed. Families are struggling, housing costs are through the roof, and people are paying through the nose in tolls to sit in Sydney traffic congestion. On top of all of that, the Minister thinks it is appropriate to defend an event with a \$10,000 cake, over \$10,000 in flowers and \$20,000 in designer umbrellas because that is what is necessary to support the Art Gallery of New South Wales. It is completely out of touch with community expectations. If that is honestly the plan for the ongoing success of the Art Gallery of New South Wales, then the Minister needs to urgently sit down with the board and ask for a revision.

COALMINING INDUSTRY

Ms CATE FAEHRMANN (13:12): I take note of the answer provided by the Deputy Leader of the Government to the question by Ms Abigail Boyd about the future of coalmining. In that answer, the Hon. Sarah Mitchell said that coal companies in New South Wales have been playing a critical role in looking after farmers during drought. Well, just this week Whitehaven Coal has been taken to court by the Natural Resources Access

Regulator because it stole one billion litres of water from farmers in the north-west of the State. These farmers were struggling so much during that drought and were looking at their groundwater to try to access water. Where did it go? It went to Whitehaven Coal for its Maules Creek coalmine. The farmers suspected that Whitehaven Coal was stealing their water. This is one of the companies that the Deputy Leader of the Government said was concerned about regional communities and farmers and had looked after farmers during the drought—it stole one billion litres of water.

Whitehaven Coal has been charged with erecting pipelines without approval to actively funnel water from farmers who needed it during the drought. During the worst drought we have ever had, Whitehaven Coal was stealing one billion litres of water from our farmers for its coal operation. That is what coal companies are doing in New South Wales. They are not looking after communities in drought. They are stealing water from communities. This is the very same Whitehaven Coal that has applied to extend its Vickery underground mine at Boggabri. The community does not want it. Boggabri farmer Sally Hunter from Lock the Gate Alliance says that the community is "absolutely outraged" and does not want Whitehaven. They know that Whitehaven Coal is 100 per cent against farmers and is all about its profit, just like every single other company that mines coal in New South Wales. These companies are not for farmers. They are for their profit. Stealing one billion litres of water—how disgraceful.

REGIONAL ARTS TOURING FUNDING

The Hon. WES FANG (13:15): I take note of the answer given by the arts Minister about the record funding that has been provided for regional arts touring. Regional arts tours are being supported to the level of \$1.9 million across the State. Having these shows around the State in rural and regional communities that have been hit by COVID and drought and bushfires will bring a bit of joy to those communities.

The Hon. Rose Jackson: That is a lot of cakes. Which regional galleries got that?

The Hon. WES FANG: I accept the interjection from the Hon. Rose Jackson.

The PRESIDENT: Order! I ask the member to direct his comments through the Chair. He should not respond to interjections.

The Hon. WES FANG: I would have thought that by now the Labor Party would have learnt not to play class warfare. How well has that done so far? I am talking about the communities that I live in and about the funding the Government has provided to have rural and regional communities supported by the arts, but those opposite want to play class warfare. It is an absolute disgrace. It is no wonder the Labor Party is in opposition. It will be in opposition for eons. I am here talking about what the Government is providing to our communities and what the Government is doing to provide arts and culture to those who have been hard-hit by drought. What do we see from those opposite? We see more class warfare.

Those opposite do not know what they stand for. On this side of the House, we are supporting rural and regional communities to get an exposure to the arts that they would not normally get. The \$1.9 million is funding 23 touring shows to go around rural and regional communities, to ensure that everybody gets their fair share across this State. It is important to acknowledge in this House that no matter where people are in the State they can experience the arts and the best shows and exhibitions that this State has to offer. It is an absolute disgrace that those opposite instead want to play class warfare and try to pit one group against another, and it shows exactly why the Labor Party will be in opposition for a long time to come.

COVID 19 AND SCHOOL CLEANING STANDARDS

The Hon. COURTNEY HOUSSOS (13:18): I take note of answers given today to the questions asked by the Opposition about the Government's latest plan to cut 480 school cleaners across our New South Wales public schools. I welcome school cleaners and the United Workers Union to Parliament today. The union has consistently advocated on the school cleaners' behalf, along with members of this House and along with the New South Wales Labor Party, as they have faced consistent cuts by this Government. This is just the latest try-on. We heard from the Hon. Mark Banasiak today that cleaners are given just three minutes to clean the average school classroom.

It is simply a truism—and we have said it so many times—that this pandemic has shown us how important our school cleaners are. What has this Government decided to do? It has decided to cut further jobs and to put more pressure on school cleaners right across regional New South Wales. The Government says it will not cut jobs across regional New South Wales but it is happy to let slide the jobs of the lowest paid workers, predominantly women. Right across regional New South Wales, in areas that have faced drought, floods and currently a mouse plague, the Government has said, "It is time to cut more jobs in these regional communities." It is an absolute disgrace and we will continue to stand up against it.

We also asked really important questions about the way in which languages are scaled in the HSC. Plenty of research has shown the benefits of learning a second language—benefits that flow over the course of a student's schooling. In New South Wales some students who commence schooling are able to speak a language other than English but when they complete their schooling they have lost that skill, which is unbelievable. More than one in four people in our communities were born overseas and more than 30 per cent of our households speak a language other than English at home.

Because this Government has refused to act to support languages in our schools, a generation of students is losing those skills. Other States across the nation have now adopted a compulsory second language across their schooling. Western Australia was the most recent State to adopt it. The only recommendation that this Government refused to adopt from its flawed Masters review was the one that students speak a language other than English, which is a disgrace. We must address the declining standards in our schools. *[Time expired.]*

REGIONAL AND RURAL MENTAL HEALTH SERVICES

The Hon. SAM FARRAWAY (13:21): I take note of answers given today by the Minister for Mental Health, Regional Youth and Women and her excellent news that the New South Wales Government will invest \$36.4 million in this year's budget to the 57 response and recovery clinicians. As someone who lives in the regions, as many of us do, it is critical that we recognise that adversity is almost a fact of life in the regions. We must consistently work on providing ongoing support to address that issue. Today's announcement by the Government and the Minister's answer to my question are a strong endorsement of the terrific work that counsellors and coordinators are doing on the ground to support our regional communities during the recent drought, the bushfires and 18 months of the COVID-19 pandemic.

Right now many communities are also battling a mice plague, as mentioned earlier by the Hon. Courtney Houssos. I believe that counsellors will play a big role in supporting the mental wellbeing of those who are affected—just another challenge for those living in the regions, in particular, in western New South Wales. Today the Deputy Premier, Minister for Regional New South Wales, Industry and Trade announced \$100 million in support for farmers at the front line of this problem who are experiencing financial hardship due to the mice plague. This timely and measured policy will ensure that the Government is acting for those communities, in particular, those in and around the agricultural sector who are facing financial hardship. A mice plague is hard to live with and, as anyone who has been there will know, it is not the most comfortable situation.

Whether we are talking about funding from the Deputy Premier, the Treasurer or the Minister for Mental Health, Regional Youth and Women, this is how the Government is backing our regions. This is how the Government is making a stronger and safer New South Wales. That is why members on this side of the House are in government and are delivering and, fortunately for us, that is why members opposite are in opposition and probably will be there for a long time.

MICHAEL PHOTIOS

THE HON. NATALIE WARD'S MINISTERIAL DIARY

The Hon. WALT SECORD (13:24): I refer in the take-note debate to a written answer to a supplementary question tabled today by the Minister for Sport, Multiculturalism, Seniors and Veterans. The question arose from a question without notice from Labor's Whip, the Hon. Mark Buttigieg, who asked yesterday:

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 and influence in the Minister's portfolios?

In response to the Hon Mark Buttigieg, the Minister told Parliament:

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.

This exchange gave rise to my written question, which was:

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?

The Minister's response, which was received this morning, stated:

Summaries of scheduled meetings are published quarterly on the Department of Premier and Cabinet website in accordance with Premier's Memorandum M2015-05.

That answer raises even more questions. The Minister ignored the request and flouted the rules of Parliament. Her response referred only to "scheduled meetings". The Minister's answer did not refer to so-called Daryl Maguire pop-ins. That brings us back to the original question. If the Minister was true to her word when she said she would "apply the strictest and highest ethical and governance standards", she would lock her ministerial door to

Mr Photios—a Liberal influence peddler, spiv and lurk merchant. Instead the Minister chooses to roll out the red carpet to Mr Photios.

The Hon. Shayne Mallard: Point of order: We allowed that fanciful line of discussion to continue but, in the end, it reflected on the Minister. The Hon. Walt Secord should not be allowed to continue without a substantive motion.

The Hon. Walt Secord: I did not reflect on the Minister.

The Hon. Don Harwin: You just did then.

The Hon. WALT SECORD: To the point of order: In my speech—which I will provide to the Chamber if necessary—I referred to Mr Michael Photios. I did not refer to the Minister. I said Mr Photios was a Liberal influence peddler, spiv and lurk merchant.

The Hon. Don Harwin: Stop lying to the Chamber. And what was your next sentence? Stop lying to the President.

The PRESIDENT: Please direct your comments through the Chair.

The Hon. WALT SECORD: The honourable member has called me a liar.

The PRESIDENT: I uphold the point of order in relation to the member casting reflections on the Minister. It is out of order. I call the Hon. Walt Secord to order for the first time. Does the member have another point of order?

The Hon. WALT SECORD: Point of order: Mr President, I ask you to ask the Leader of the Government to withdraw his comment. Under parliamentary rules he cannot call another member a liar.

The PRESIDENT: It is unparliamentary.

The Hon. Don Harwin: I withdraw.

REGIONAL ARTS TOURING FUNDING

The Hon. BEN FRANKLIN (13:27): I had not intended to speak but I will do so for an important reason. When there was discussion in question time today about an important announcement—regional touring programs—interjections were made by Opposition members along the lines of, "Let them eat cake." I make this point clearly. There are some things in the Arts portfolio that one can happily make contested but this is not one of them. Two weeks ago I went to the Warren Chamber Music Festival. Some would say that Warren is the epicentre of the mouse plague in New South Wales. That festival brought together some significant musicians from across the country for four wonderful concerts over the weekend. Do members know what it did for that town? Every concert was packed out. We are not talking about elitism; we are talking about equity. We are talking about things that make a difference to the heart and soul of a town that is under enormous pressure. Many things are contested in this place but some things are actually important. Regional touring programs are providing equity to towns that are doing it tough and are important for cultural organisations, cultural entities and cultural understanding. That is something that should be beyond partisan politics.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SCOTT FARLOW (13:29): I congratulate the Hon. John Graham on his ascension to the role of Deputy Leader of the Opposition. The Hon. John Graham started this take-note debate with a reference to *A Tale of Two Cities* in relation to question time. The Hon. John Graham must have been listening to a very different question time to the one that I listened to. The Leader of the Government began with an announcement of \$1.9 million for the regional touring program, about which the Hon. Ben Franklin has just spoken passionately, to support regional touring throughout New South Wales. The Minister talked about *Sunshine Super Girl: the Evonne Goolagong Story* and *Black Cockatoo*, both great programs for regional New South Wales. The arts Minister is very focused on the arts in regional New South Wales and supporting regional communities.

The Hon. Sarah Mitchell spoke about schools in regional New South Wales and western Sydney. One of the schools she touched upon in regional New South Wales was Mittagong Public School, which is the school my wife attended. It was a special moment for me and one that I will relay to my wife. We heard about 50 new and upgraded schools, particularly across the North Coast of New South Wales, which I know the Hon. Ben Franklin is very supportive of. There are new and upgraded schools rolling out throughout regional New South Wales in particular and in western Sydney. This Government is opening hundreds of new and upgraded schools. The Government is investing \$7 billion over four years to deliver more than 200 new and upgraded schools for the people of New South Wales, particularly for the people of regional New South Wales and western Sydney where communities are growing.

The Hon. Bronnie Taylor talked about the important program that will provide 57 response and recovery clinicians throughout regional communities, who have done it tough with drought, floods, bushfires and, as the Hon. Sam Faraway outlined, the mice plague. The Hon. Damien Tudehope spoke about the \$1,500 rebate for small businesses across New South Wales and the conclusion of the licence rebate program, which gave back \$73.478 million to tradies and small restaurants. It is good news for the people of New South Wales and in particular the people of regional New South Wales. I can understand why the Deputy Leader of the Opposition might be reminded of Charles Dickens and *A Tale of Two Cities* because there are a few Madame Defarges sitting opposite knitting the names of certain people who have stormed the Bastille.

The Hon. Don Harwin: More than three of them are still washing off the blood.

The Hon. SCOTT FARLOW: Indeed, they are washing off the blood that has spread like wine across the floor of the party room of those opposite. They have stormed the Bastille and now they await who will be taken to the guillotine later this week with the reshuffle.

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

Motion agreed to.

Written Answers to Supplementary Questions

THE HON. NATALIE WARD'S MINISTERIAL DIARY

In reply to **the Hon. WALT SECORD** (08 June 2021).

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans)—The Minister provided the following response:

Summaries of scheduled meetings are published quarterly on the Department of Premier and Cabinet website in accordance with Premier's Memorandum M2015-05.

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

Bills

CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) 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 of the bill stand an order of the day for a later hour.

Motion agreed to.

Private Members' Statements

WAGE THEFT

The Hon. DANIEL MOOKHEY (15:03): Families have striven for generations to introduce, increase and protect the minimum wage and penalty rates in Australia, but sadly their efforts have been chipped away by wage theft. We know that millions of dollars have been shaved from family budgets due to underpayments, with millions taken out of the tills of local small businesses that power our communities and our economy. Yesterday I spoke about the impact wage theft has on tax revenue, and I often speak about the impact that wage theft has on honest businesses that pay their workers appropriately. But today I want to speak about the human impact, and specifically about one of the stories that I have come across recently that is deeply disturbing: the story of the people who are working at De Costi Seafood.

The graveyard shift crew at De Costi Seafood are usually awake when most people are still asleep, and they are working in a processing facility on the salmon that we eat throughout this country. They are mothers and fathers, and even grandmothers, just trying to make ends meet. They come from a range of backgrounds. Many of them are migrants: people from Vietnam, Nepal and the Pacific islands. Many have very limited English and

work on temporary visas. These workers recently learnt that De Costi, a subsidiary of the ASX-listed company Tassal, has been failing to pay them proper rates for working early morning hours. Despite starting work between the hours of 1.00 a.m. to 5.00 a.m. they were only being paid around \$19 per hour and were denied the penalty rates they are entitled to for working these unsociable hours. Their union, the Australian Workers' Union, estimates that underpayments worth several millions of dollars over many years have affected hundreds of current and former employees.

I join the Australian Workers' Union and the wider trade union movement, as well as those in the business community, who are calling this out for what it is: a deplorable case of blatant wage theft. Rather than fess up and pay a fair wage, Tassal has dug in. It is fighting this in court. But that has not stopped those workers at the De Costi processing facility and their union from taking up their fight. The Labor Party stands with them. We say to those workers that we support them in their fight and congratulate them on the courage it takes to confront this particularly powerful employer. Labor always stands for workers' rights and will continue to fight for workers' rights. We are unrelenting in our commitment to stamp out the scourge of wage theft in our State.

If someone puts in an honest day's work, they deserve an honest day's pay. If they are working at 1.00 a.m. to 5.00 a.m. doing gruelling work, they deserve their penalty rates. It is the difference between these workers being able to put food on the table and care for their kids or otherwise. These workers deserve their penalty rates, especially in this form of labour, which is difficult. They deserve their back pay. Tassal should be coming to the table to negotiate a settlement, not litigating and slugging it out in a court, especially when so much of workers' money is on the line.

RANDOM DRUG TESTING

Ms CATE FAEHRMANN (15:06): On Sunday 2 May as I drove into Nimbin for MardiGrass, I was pulled over by police for a so-called random drug test, which we filmed. I tested negative. However, the officer conducting the test did not wear gloves, breaching part 1-5 of the Standard Operating Procedures for Random Oral Fluid Testing, which reads:

Under no circumstances will oral fluid or equipment used to obtain oral fluid samples be handled by police without wearing protective latex or nitrile gloves.

Former magistrate David Heilpern issued a statement on this issue, which said:

It beggars belief that the only test that was conducted on that day where protocols were breached was the one on a member of Parliament, and it is far more likely that protocols were contravened extensively in the operation that occurred.

The case of Sydney lawyer Brett Galloway was dismissed because police failed to adhere to standard operating procedures [SOPs], including failing to ensure the area where the drug test was conducted was properly decontaminated, among other breaches. In May this year at Lismore City Court another case was dismissed due to several breaches, including that the officer failed to wipe down a bench, placing the test at risk of contamination. There were more than 1,500 tests conducted around Nimbin during the MardiGrass event, with 29 detections. On 18 May I wrote to the police Minister calling for all tests conducted that weekend to be deemed invalid due to the risk of contamination. The response from the NSW Police Force stated:

The SOPs are based upon best practise for hygiene and do not affect the accuracy of testing or results.

Besides the obvious risks of ignoring hygiene in a pandemic and besides the fact that hygiene and contamination are actually the same thing, the statement is not true. David Heilpern states:

... the protocols have been developed to protect from cross contamination and not wearing gloves means that the testing regime is unreliable.

... evidence obtained as a result of this impropriety ... would be subject to inadmissibility rulings in court proceedings under s138 of the Evidence Act NSW.

I join calls for all prosecutions or penalties launched or issued as a result of the flawed testing ... withdrawn.

A drug test can return a positive result from a few nanograms of THC and research has shown 5 per cent to 10 per cent of all tests are false positives. Positive tests can mean someone losing their licence and their job. They can wreck lives. I again call on the police Minister to declare all tests conducted in and around Nimbin over the MardiGrass weekend invalid and to reform the dodgy and unfair drug testing regime to testing for impairment, not just for the presence of a drug.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Before I call the Hon. Wes Fang, I remind him that it is unfair for him to interject. Other members were heard in silence. Ms Cate Faehrmann is entitled to the same courtesy.

The Hon. Wes Fang: I adopt the guidance of the Deputy President.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): You have no choice.

THE HON. TIM FISCHER, AC, MEMORIAL

The Hon. WES FANG (15:09): If ever there was an Australian champion, it was Tim Fischer. Tim's life was one of unexpected twists and turns and it certainly did not fit any one mould. From a schoolboy who suffered from a stutter to becoming a champion debater, a conscript soldier to a decorated officer, and a farmer turned quirky politician who would finish his political career in the second highest office in the country, Tim was a once-in-a-generation Australian. It was fitting then that a permanent tribute to Boree Creek's favourite son, which was unveiled late last month, captures all the fascinating facets that made Tim Fischer such a character on the Australian political landscape.

Along with hundreds of other people—including the Governor of New South Wales, Margaret Beazley; former Ambassador to the Holy See, Melissa Hitchman; the member for Albury, Justin Clancy; the member for Farrer, Sussan Ley; Major Sarah Winter; the Deputy Prime Minister, Michael McCormack; and the former member for the Riverina, Kay Hull—I joined members of the Fischer family on Sunday 23 May at the unveiling of the memorial sculpture at the Tim Fischer Community Park in Boree Creek. Seeing the sculpture for the first time, I was struck by the uncanny likeness to Tim that Urana artist Andrew Whitehead has captured, whilst using the most unique of materials. Funded through the Drought Assistance Fund, for eight months Andrew slowly and methodically turned recycled farming machinery into a stunning replica of our former Deputy Prime Minister. It was a labour of love for Andrew, who started the process by drawing caricatures of Tim until he could capture his likeness purely from memory.

Titled *The Last Train from Boree*, the work is complete with metal RM Williams boots. I spoke to Andrew, who said that he borrowed Tim's original RM Williams boots from the family to make sure that he got them just right. Tim's trademark Cattleman brand of Akubra also features. In a nod to Tim's love affair with trains, the sculpture is sitting atop a steam train tender and the tie has a representation of the Stephenson's Rocket steam engine, made from specially imported glass decals. Andrew also recognised the significance of acknowledging Tim's military service during the Vietnam War and has incorporated his service ribbons on the lapel of his jacket. Of special note is the Skippy badge on the right lapel, which all Australian infantry personnel will immediately recognise. Tim's alma mater, Xavier College, Melbourne, donated a cap badge for inclusion. All of these small yet moving details have made the sculpture one of the most incredible pieces of art I have ever seen. It is truly a beautiful way to remember such a brilliant, kind-hearted gentleman and someone I was lucky enough to call my friend.

WAGE THEFT

The Hon. GREG DONNELLY (15:12): I expect that all members of the House and the other place would agree without qualification that theft is theft. It is stealing and it is wrong. Employers, of course, take it very seriously if an employee steals from them. Larceny as a servant is a crime and an employee who steals from their employer can expect instant dismissal. However, when it comes to stealing from employees, those engaged under labour hire arrangements or other types of contractual arrangements, some employers appear to have no qualms about deliberately denying workers their legal entitlements when it comes to hourly rates of pay, penalty rates, cost-related allowances, work-related allowances, superannuation and other entitlements. The sheer scale of underpayment of workers in New South Wales and across Australia is unknown. Australia-wide I expect that in any 12-month period it is many hundreds of millions of dollars.

If members wish to get a sense of the scale of the underpayment that occurs, I invite them to visit the website of the Fair Work Ombudsman. Some breathtaking examples can be found there of underpayment claims prosecuted or settled by the Fair Work Ombudsman across a range of industries as, pursuant to carrying out its statutory duties, workplace audits are undertaken to ensure compliance. We can reasonably assume that what has been uncovered is barely the tip of the underpayments iceberg. For those wishing to understand more deeply the scale of wage theft in New South Wales, I direct them to the four following reports published by Unions NSW, the peak organisation for trade unions in this State: *Lighting up the Black Market: Enforcing Minimum Wages*, 27 July 2018; *Wage Thieves: Enforcing Minimum Wages*, 7 December 2018; *Wage Theft: The Shadow Market*, 14 December 2021; and *Wage Theft: The Shadow Market: Part Two: The Horticultural Industry*, 19 March 2021.

The reports deserve close study. The four reports reveal many examples of gross underpayment, and indeed exploitation, by some employers in this State. There is no other word for it but exploitation. It should be noted that the underpayments and exploitation are in almost all cases directed at individual workers who are amongst the least able to stand up and insist they receive what they are legally entitled to. That includes workers who may be passing through on a temporary visa arrangement, workers who speak a second language, or workers who rely on casual work. I take this opportunity to acknowledge and congratulate the Secretary of Unions NSW Mark Morey, his officers and affiliated trade unions for exposing wages, penalty rates, allowances, superannuation and

entitlement theft in New South Wales. Obviously, much needs to be done to tackle this blight affecting so many workers in this State.

[*Business interrupted.*]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I welcome into my gallery guests of Mr Justin Field, including Leo Williams, Penny Eastern, Alex Williams, Andrew McLennan, Belle Campbell and Nahla Campbell. They are all here in the Chamber this afternoon for Mr Field's hopefully exciting private member's statement. Welcome.

Private Members' Statements

MINING AND THE LOST CITY

[*Business resumed.*]

Mr JUSTIN FIELD (15:15): Today I recognise the inspiring actions of Leo Williams, his friend Penny Eastern and his sister Nahla. I am glad to have them and their families in the House today. In late April I visited the Newnes Plateau near Lithgow as part of a Parliamentary Friends of Nature field trip. The Hon. Catherine Cusack, the Hon. Rose Jackson and Jo Haylen, MP, were also there as part of a bi-partisan visit organised by the Nature Conservation Council, Lithgow Environment Group and Blue Mountains Conservation Society. As part of that trip we visited an absolutely spectacular area known as the Lost City. It is a valley of spectacular stone pagodas. This area is at risk from plans to expand underground longwall coalmining where subsidence threatens to undermine and damage the pagodas.

There has already been significant damage to that landscape, especially to endangered upland swamps, which have dried completely in parts as a result of subsidence cracking the bedrock and draining the waterways. During the trip we also saw the once thriving Carne West swamp, which is now drained, desiccated and devoid of life. The concern now is that already approved longwall plans for the Centennial Springvale coalmine will damage more swamps, and the expansion plans for the Centennial Angus Place Colliery will significantly damage the pagodas. *The Sydney Morning Herald* sent a journalist along on the trip who ran a story about the visit with some stunning photos and videos of the area. A few days later I was excited to receive an email from Belle, Leo's mum, who explained that she and her partner had read Leo the story and he was very excited. Living in the Blue Mountains, they visited the area that day. Leo, who recently turned seven, was inspired to do something. Attached to the email was Leo's drawing of the Lost City and a letter from Leo that reads:

To MPs: I saw the article about the lost city. I went on the 1st of May. It was fantastic. I did a lemonade and mint tea stand with my friend Penny and my sister Nahla. We made \$141.50.

I was informed today at lunch that more money has since been raised. He goes on:

Please protect the Lost City. From Leo Williams.

Leo's activism and the support of his parents is a reminder to us all that everyone can do something, a reminder to get interested, to take notice and to work with your friends. Earlier today Leo had the opportunity to lobby Minister Stokes directly—and I thank him for his time—about what he can do to ensure that current planning proposals to expand underground mining do not undermine the Lost City. I thank Leo for his activism and I reiterate his call to all MPs to do what they can to protect the Lost City.

VEGANISM AND CHILDREN

The Hon. LOU AMATO (15:18): In recent times there has been a move towards veganism. The move towards plant-based dietary intake has gained considerable impetus, with the United States reporting a 600 per cent increase in veganism between 2014 and 2017. The reasons for the shift in traditional dietary intake are many. Some are motivated by personal moral convictions. Others feel significant health benefits from an animal-free diet. Whatever the motivation, many parents wishing the best for their children feel a vegan diet gives their children the best possible start to a healthy life.

Our concern is the effect that a vegan diet may have upon developing children. Researchers from UCL Great Ormond Street Institute of Child Health and the Children's Memorial Health Institute in Warsaw, Poland, recently conducted a study that looked at the dangers of a vegan diet for infants. The peer-reviewed study was published in *The American Journal of Clinical Nutrition* and found that children raised on a vegan diet were on average three centimetres shorter than their omnivorous counterparts. The study also revealed a poor cardiovascular health profile in children eating a strictly plant-based diet. What is of concern is that vegan children

had 4 per cent to 6 per cent less bone mineral content and were three times more likely to suffer severe vitamin B12 deficiencies than omnivorous children. The study also revealed deficiencies in protein, calcium, and vitamin D, which is thought to explain the poor skeletal development in vegan children. It is concerning that scientists believe that severe deficiencies in skeletal development, as found in the study on vegan children, may lead to an increased likelihood of the development of osteoporosis in adulthood.

However, the study was not all bad news, with vegan children on average having 25 per cent lower levels of low-density lipoproteins—the dreaded form of bad cholesterol. Parents should always retain the right to make decisions on how they nurture their children. If parents wish to raise their children on a strictly plant-based diet, then our job is to inform them of the dangers of a vegan diet in developing infants. Having said that, the news for vegan parents is that the severe nutritional deficits of a vegan diet can be completely mitigated by the use of vitamin and mineral supplements. Regular blood tests of developing children will identify serum vitamin and mineral deficiencies, which the family GP can fully correct with supplements. It is highly recommended that a fully qualified health professional monitor the consumption of vitamin and mineral supplements in children as too much can at times be far worse than too little.

NSW INTERGENERATIONAL REPORT

The Hon. JOHN GRAHAM (15:21): I welcome the *2021-22 NSW Intergenerational Report* released this week, which looks forward 40 years to the future of our State in 2061. It is the fourth of these kinds of reports. It builds on the *NSW Long-Term Fiscal Pressures Report* from 2006. These reports are important because they allow us to focus on the long-term future of the State rather than short-term politics that can sometimes characterise debate in our parliamentary Chambers. One of the issues I will highlight out of that report is this: Over the next 40 years the share of recurrent spending to be directed towards education is predicted to drop. Costs will not decrease; teachers are not going to get any cheaper. Education expenses are projected to grow at an average annual rate of 4.2 per cent each year over 40 years. The report predicts that the share of recurrent spending being directed towards education will be just 18 per cent of the total New South Wales recurrent spending by 2061, down from 22 per cent in 2018-19. That continues a long-term decline in education spending in New South Wales. I drew attention to this issue in my inaugural speech, when I said:

Still, I believe New South Wales could do better in education. In most areas of State Government activity, the share of total Government expenditure has been remarkably stable over time. There is one exception, and that is education. New South Wales education expenditure as a share of total expenditure has fallen from around 28 per cent in 1989-90 to 26 per cent in 2002-03 to just 21.5 per cent this year. It has fallen despite the growing importance of human capital. It has fallen as other countries spend more. It is crucial for New South Wales that we reverse that trend. I call on this Government and future governments to do so.

That has not happened. In fact, we are doing the opposite. It was 28 per cent in 1989-90; in 2022 it will collapse to just 18 per cent. I do not accept the decline that the Government predicts in this report. The Government is waving the white flag on this issue. The education Minister used to be the most important spending Minister around the Cabinet table, holding nearly one-third of the State budget. The education Minister was the second amongst equals around the Cabinet table. That is no longer the case, as this decline continues. Education is the greatest wealth-generating lever the State has. It is one of the biggest drivers of economic wealth and wellbeing, as shown by *The Herald/Age - Lateral Economics Index of Australia's Wellbeing*. It also reduces inequality. This is the wrong direction, and I reject the decline.

LITTLE OAK SANCTUARY

The Hon. EMMA HURST (15:24): Several years ago I received a call from a medical experimentation facility that had been using five goats. The experiments had finished, but the goats had nowhere to go. If I could not find a home for them, their only experiences on this earth would be negative. Luckily for the five boys, one of the best places on earth offered them a loving forever home. I picked up five very frightened goats from the research facility that day and drove them in a horse float to Little Oak Sanctuary. Little Oak is a farmed animal charity that offers sanctuary to animals in need whilst promoting compassion for all animals through education and cruelty-free living.

Kate and James are the founders and operators of Little Oak Sanctuary, where they care for animals who have often had backgrounds of abuse, neglect and abandonment. They have assisted 600 farmed animals since they commenced in 2013. When I visited the goats many years later, they were not the same animals I had met at the facility. They had regained trust in the human species. They had cheeky personalities that they no longer hid from the world. They were home, and they knew it. Isaac Newthorn, Charles Barwin, Stephen Hornking and Leonardo da Bleazi may have started their lives in a research facility, but now they are loved.

In June last year we heard that Isaac had passed away. Dear Isaac, I know you spent your final years feeling only love and joy at the beautiful Little Oak Sanctuary. You deserved more than five years of freedom, but you remind me each day of who I am fighting for. I will always be grateful to Little Oak for giving these research boys

a second chance at life. The sanctuary, named after little Timmy Piglet who died in 2012 and was buried under a little oak tree, does not receive any government assistance. The basic care of the animal residents costs over \$90,000 per year. The Government must do more to support the essential work done by rescue groups. I take this moment to thank Kate and James for their life work. On behalf of those they took in when they had nowhere else to turn, I say thank you.

COVID-19 VACCINE

The Hon. SHAYNE MALLARD (15:26): I reflect upon a visit I had to a COVID vaccine hub last week to inspect the rollout of the vaccine in western Sydney. I represented the health Minister at the Nepean Blue Mountains Local Health District vaccine hub at the Somerset centre, which is just across the road from Nepean Hospital. A vaccine centre has been operating there for a couple of weeks. It was an overwhelming experience to inspect the facility and meet the dedicated staff who are working on the vaccine rollout. I met nurses, pharmacists, doctors and administrators, who are all equal partners in our frontline response to the COVID pandemic in the region. The Nepean Blue Mountains Local Health District stretches from Lithgow to Penrith and takes in part of the Hawkesbury. About 300,000 people live in that health area. I am not certain, but on Friday that hub expected to pass 10,000 vaccines.

Staff at the centre are delivering the second round of the AstraZeneca vaccine and the first round of the Pfizer vaccine. They are particularly focused on the Pfizer vaccine, which they are rolling out primarily to frontline workers as well as aged-care and healthcare workers in the area. I reflect upon the fact that the Blue Mountains electorate, where I live, has the oldest demographic of any electorate in the State. I asked the question about a vaccine hub in the Blue Mountains. I was rightly told—I know because my parents have been vaccinated already at Blackheath—that ample vaccines are being provided through the doctor network in the Blue Mountains. I commend the doctors and the system up there for working so well. Primarily, that is the AstraZeneca vaccine. If anyone needs Pfizer, they will have to go to places where it is stored in minus 70 degree temperatures.

I was so impressed with the backstage tour, as it were, and with the six fully gowned workers who are dedicated to extracting the Pfizer vaccine, putting it into syringes, checking it for air bubbles, explaining the technical issues around it and the time by which it had to be used, and then ensuring it is collected. It was checked five times before it went out to be injected into patients. With permission, I spoke to patients who were very stoic and very confident in the Government's response to COVID. It was very much a multicultural community that was being vaccinated. I thank the chief executive of the Nepean Blue Mountains Local Health District, Kay Hyman, and her team. I encourage members, through the Minister's office, to visit vaccination hubs and support our frontline workers who are distributing the vaccine.

THANK A FIRST RESPONDER DAY

The Hon. ROSE JACKSON (15:30): I begin by reflecting on the fact that today is Thank a First Responder Day. I take this opportunity to thank all of our first responders for the outstanding work they do. They often help us and our families in times of real trauma and real need. Thank you to everyone who works as a first responder in our community, including paramedics, firefighters, police and people working in our hospitals. Obviously the experiences of the COVID pandemic have brought home to many of us the incredibly important work these people do. But it is not just in these particularly difficult times that it is important to thank them. It is important at all times.

While placing on record my thanks to our first responders, it is important for me to indicate that thanks are not really enough. It is nice to say thanks, and I do that. I am sure we all say "thank you so much" to people who work as our first responders, but what we should actually do is appropriately pay our first responders. Actually giving these people the pay that they deserve for the work that they do would be a better response than just a nice thanks. That is just not happening. That is not happening at all. Most responders work as public servants. They are paid by the Government, and this Government's policy is to freeze their pay. In times when inflation is increasing and costs are going up, their wages are going backwards. That is not much thanks really from the New South Wales Government for our first responders.

The pressing issue that is on the table right now is paramedics. Tomorrow our paramedics are taking industrial action because of the treatment that they have received from this Government. The good news is that today I saw the Premier at a press conference refer to this issue, the budget and potentially a resolution. I take this opportunity to say to the Minister for Finance and Small Business, who is present in the House, to please use the budget to fix this issue. He will get nothing but praise from me and members on the non-Government side of the House if he actually fixes this issue. I encourage him to do so before the budget is handed down because the industrial action will be taken tomorrow. Nonetheless, I will give him until the budget to actually fix this issue for our first responders and our paramedics and pay them properly.

Lastly, I acknowledge an issue that was raised previously, which is the visit to the New South Wales Parliament of school cleaners and their union, the United Workers Union. It is essential that cleaning standards are maintained in our schools, and that means maintaining the hours of cleaners. They are already working their guts out to keep our schools clean. Kids are gross. It is not just the COVID risk, it is nits, it is gastro, it is coughs. Kids are disgusting; I have two of them. We need school cleaners to have the time to get our classrooms clean so that we can keep our schools open and keep our kids and teachers safe. I thank the school cleaners who are doing that excellent work.

Motions

KEEPING WOMEN OUT OF PRISON COALITION

Debate resumed from an earlier hour.

The Hon. PENNY SHARPE (15:33): I only have a short time remaining for my speech in support of the motion. Earlier I was talking about the incredible work that the Keeping Women Out of Prison [KWOOP] coalition does but I was also discussing some of the issues that confront women who are in prison. From the most recent snapshot of women in prison in New South Wales, we know that there currently around 950 women in New South Wales prisons and over two-thirds of those women are mothers. The important point to note is that children whose mothers are incarcerated have some of the worst outcomes of any kids in our community. There are significant consequences for children if their mothers are incarcerated. Over the years there has been some excellent work carried out by people such as Ann Symonds, who more than 20 years ago examined the issues faced by children whose parents are prisoners. She pointed out the need for us to think more laterally around the way in which we deal with the justice system but particularly the impact on children when their mothers are incarcerated. I reiterate that point today.

The other point arising from the snapshot that KWOOP has done around women in prison is that the majority of women who go to prison have experienced violence and/or sexual assault in their lives. They too have been victims of crime. There are very high rates of mental health issues, drug and alcohol addiction and undiagnosed disability in many cases. Cognitive impairment is another issue. If we are serious about a justice system that gets it right, there are too many women in prison who should not be there. There are other things that we can do through diversion programs, rehabilitation, access to housing and genuinely supporting them—particularly those who have been victims in the past—to get their lives together and to get the support they need so that they can support themselves and their family without ending up in jail. I thank the Hon. Catherine Cusack for her commitment to this issue. This has long been a cross-party issue. I look forward to having more discussions after the breakfast and into the future.

The Hon. CATHERINE CUSACK (15:36): In reply: I warmly thank all members who have taken trouble to speak during debate on this motion and who have given consideration to attending the breakfast. I understand the Hon. Penny Sharpe is hoping to attend, if she can.

The Hon. Penny Sharpe: I will, yes.

The Hon. CATHERINE CUSACK: Thank you. I also thank Ms Abigail Boyd, the Hon. Tara Moriarty and the Hon. Bronnie Taylor, who is the Minister for Mental Health, Regional Youth and Women and who always speaks during debate on motions of this type. I acknowledge the Minister because she gives me and other members great encouragement that these issues are being heard. I note many of the issues that have been discussed by other members but particularly by the Hon. Penny Sharpe. It is not normal for any woman to end up in prison. The offence that they have committed is generally in the context of their life collapsing on multiple fronts. Keeping Women Out of Prison [KWOOP] is very much about assisting women's reintegration back into the community after they leave prison and matching them with mentors who can assist them with housing, children and dealing with insurmountable hurdles for them, including the stigma of having been in prison. KWOOP is a truly wonderful organisation.

I acknowledge that change has occurred in the corrective services system. The Keeping Women Out of Prison coalition, the Women's Justice Network, and many great women's organisations have tirelessly championed these issues. I give those organisations a great deal of credit for a really big change in thinking and service delivery within the prisons, particularly in relation to post-prison employment. There is now a scheme at Dillwynia Women's Correctional Centre whereby people in prison can apply for jobs before they are released from prison. We might ask, "How could that not have been happening?" but it has never happened before. Under the retiring Commissioner for Corrective Services, Peter Severin, there are partnerships in western Sydney, particularly with warehousing businesses and the like that can work with a woman's criminal record so that women can gain employment. There are many changes happening, but despite the work and advocacy of this organisation, much still needs to be done. I thank all members for their support for the motion and the forthcoming breakfast.

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

ANIMALS USED IN WAR

The Hon. MARK PEARSON: I move:

That private members' business item No. 919 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK PEARSON: I seek leave to extend my speech by two minutes.

Leave granted.

The Hon. MARK PEARSON (15:39): I move:

- (1) That this House recognises that animals have been used in war by humans since ancient times with:
 - (a) horses, donkeys, elephants, and camels transporting soldiers and supplies;
 - (b) pigeons facilitating long-distance communications between command and the battlelines; and
 - (c) dogs acting as scouts, sentries, messengers and bomb detectors.
- (2) That this House notes that besides the men and women who have fallen in war, their comrade, their friend and often their protector, a horse, dog or donkey, have also fallen.
- (3) That this House acknowledges reports from surviving soldiers which describe how a horse would, upon hearing the sound of approaching shrapnel, lie across their "master" to protect them and take the worst themselves.
- (4) That this House notes that, when the Hon. Mark Pearson, MLC, was visiting le Somme and Pozieres battlefields in France, he was shown that military buckles and horse shoes would be uncovered from the earth of ploughed fields.
- (5) That this House:
 - (a) understands that in the past there was no official recognition of the harm and suffering caused to these animals and they were routinely abandoned or killed when no longer needed;
 - (b) notes that it has only been in recent times that Australian animals used in war have been repatriated, for example, in World War I not one horse, out of the 130,000 sent, was returned home, whereas we now make sure that our canine veterans are repatriated and cared for upon their return; and
 - (c) is pleased that to compensate for previous lack of recognition, the Australian War Animal Memorial Organisation has adopted the purple poppy which can be worn alongside the traditional red one as a reminder that animals have and continue to lose their lives in war.
- (6) That this House says, "We will remember them all. Lest we forget."

In April a five-year-old Belgian malinois dog called Leuk la Chance, or Lucky Luke, was given the top animal award for gallantry after he saved human lives by cornering insurgents during an anti-terrorist operation in Mali. While on a later operation his luck ran out and Luke was killed by an armed insurgent. Luke's body was repatriated to France with full military honours, just like a human casualty of war. Last year I spoke in this place about the thousands of animals who have served and continue to serve for Australia overseas. Unlike Leuk la Chance, most never came home. Yet there is a cohort of military animals who never leave it. They are the animals used for military research. I will talk about those animals.

For well over a century, Australia has used animals in military experiments. That includes the animals who are not taken overseas for use in human wars but rather deliberately used in horrific experiments in the name of Australia's military forces. They are the hidden animals of war used behind closed doors in laboratories or on remote islands. They will never be lauded as heroes for saving lives, never immortalised in sculpture for their sacrifice and never buried with military honours alongside their human warriors. I talk about those animals lest we really do forget them.

In particular, I pay remembrance to the animals used in experiments at Melbourne University during the early years of World War II. The experiments involved placing rats, mice and goats in gas chambers and exposing the unconsenting subjects to war gases. Most of the animals died from fluid infection on the lungs caused by the gases. The course of their illnesses and deaths was observed by students. Goats and rabbits were used in other experiments later in World War II on Brook Island off the coast of Queensland. That island was chosen because of its similarities to small coral islands that were typical in the Pacific theatre during World War II. The experiments were designed to simulate the Battle of Tarawa in the Pacific Ocean.

In late 1943 the invasion of Tarawa saw huge American troop losses when conventional shell bombardment failed to penetrate Japanese-style foxholes or dugouts. The researchers wanted to determine the efficacy of mustard gas as a way of flushing the Japanese out from such holes. The experiments consisted of tethering goats

and rabbits at various points around the island and then releasing mustard gas via a bomb onto the island. Two human volunteers who later landed on the island said they heard "the distressed bleating of mustard gas-exposed goats, blinded, lungs seared and in pain". The animal victims who were still living were taken back to the mainland and then killed for examination—sacrificed. One volunteer described how:

... [t]he goats stood there very quietly, their eyes streaming with fluid down their cheeks and God knows what other pain. The switch was just like a light switch on a wall which was flipped and they dropped dead, it must have been a mercy for them, the poor bastards.

I also pay remembrance to the animals who were used in warfare overseas but who then became unwitting research subjects when exposed to gases or bombs in the war zones. For example, on 10 and 11 May 1918—almost 103 years ago to the day—Australian army wagons were being pulled by mules on the Western Front. While they stopped, a shell with gas landed very close to the lead mules. Unlike the human volunteer soldiers, the animal conscripts were not equipped with gas masks. The surviving mules were admitted to the Australian Mobile Veterinary Section and were kept under observation for several weeks. They suffered symptoms including intense swelling, inflamed blood vessels, ulceration and necrosis.

I also pay remembrance to the unwitting victims of the early atomic tests in Australia. In 1952 the first atomic test was conducted on the Montebello Islands off the coast of Pilbara in north-west Australia. After the first bomb was detonated, people were delegated to catch fishes and rats to measure how much iodine and strontium the animals had absorbed into their bones. Thousands of birds were killed, maimed and blinded as a result of that and subsequent explosions. Fishes, including sharks and stingrays, were stunned by the blasts and rose in huge quantities to the surface of the sea before being washed ashore. That was all before we had anything like the current code of practice for the care and use of animals for scientific purposes. That code was not introduced in Australia until 1969.

Animals continue to be used in military experimentation in Australia to the present day. One contemporary program trains physicians and Australian Defence Force medical officers to treat traumatic injuries. That "Live Tissue Trauma Training" involved cutting holes into the throats, chests and limbs of live animals, including dogs and pigs. But I end on a positive note. Thanks to a sustained campaign by animal protection groups, authorities have committed to phasing out the use of live animals in military training and will instead use human patient simulators. Those simulators are state of the art and replicate a breathing, bleeding human torso complete with realistic layers of skin and tissue, ribs and internal organs. We have stopped the use of animals in that one type of military training. Now we just have to stop the wars.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (15:46):

I speak in support of the motion and commend the honourable member for bringing it to this place. Animals have been notably used in war. John Simpson Kirkpatrick, who enlisted in the Australian Imperial Force and served at Gallipoli in 1915, famously used a small donkey to carry men down from the frontline, often exposing himself to fire. We all grew up hearing the story of Simpson and his donkey. The bravery of this man with the donkey soon became the most prominent symbol of Australian courage and tenacity in Gallipoli.

Walers, a type of horse, were used by light horsemen in the campaign in the Middle East during the First World War. The light horse combined the mobility of cavalry with the fighting skills of infantry. They fought dismounted with rifles and bayonets. However, sometimes they charged on horseback, notably at Magdhaba and Beersheba. The smallest unit of a light horse regiment was the four-man section, where one man held the horses while the other three fought. The horses were called Walers because although they came from different parts of Australia, they were originally sold through New South Wales. They were sturdy, hardy horses able to travel long distances in hot weather with little water. Horses usually need to drink about 30 litres of water a day. However, during the campaign they often went for up to 60 hours without water while carrying a load of almost 130 kilograms, comprising rider, saddle, equipment, food and water.

Bill the Bastard, Australia's greatest war horse, has in fact been enshrined in the Anzac legend with a life-size bronze statue. Serving in the Middle Eastern theatre of the conflict, the 17-hand-high stallion was notorious for his unrelenting stubbornness, endurance and courage. When I visited the sculpture I heard a story about Bill being shown to a pompous England captain who was offered a ride of Bill. He hopped on and was promptly thrown off by Bill, showing the Australian salute to the British. Bill became a legend at the Battle of Romani where he and Major Michael Shanahan rescued four Tasmanian troops from certain death on the battlefield. Sculptor Carl Valerius is honouring Bill and Major Shanahan's legacy with a true-to-scale statue, depicting their rescue effort during the battle, where Major Shanahan lost his left leg.

At the end of the First World War Australians had 13,000 surplus horses which could not be returned home for quarantine reasons. We know all about quarantine now. Of those, 11,000 were sold, a majority as remounts for the British Army in India—as was the case with this horse—and 2,000 were cast for age or infirmity. The Imperial Camel Corps Brigade was formed in Egypt in 1916. The corps included men from Australia,

New Zealand and the United Kingdom. Importantly, at the Australian War Memorial there is a sculpture of a bronze horse head mounted on a tear-shaped granite plinth, which commemorates all animals who have served alongside Australians in all conflicts. I commend the motion and the member.

The Hon. TARA MORIARTY (15:49): On behalf of the Opposition, I support the motion. It is important to acknowledge the use and sacrifice of animals in war since ancient times. Horses, donkeys, elephants and camels have been used for transporting soldiers and supplies. Pigeons have been used in assisting with communications. Dogs have been used as scouts and bomb detectors. Those have been essential services for war efforts throughout time. The motion calls on us to recognise the animals that have fallen alongside the men and women in war.

Acknowledging the human cost of war is of paramount importance when acknowledging the wretched sacrifices of war, but acknowledging the animals of war is also important. In the past there was no official recognition of the harm animals suffered and there has not been enough effort put into the repatriation of animals used in war around the world. We note the efforts of the Australian War Animal Memorial Organisation in advocating to rectify this. I thank the Hon. Mark Pearson for bringing the motion forward. It is important to acknowledge the sacrifice of animals along with the men and women whose lives have been lost in war.

The Hon. MARK PEARSON (15:50): In reply: I thank the members who have spoken to the motion, particularly the Hon. Natalie Ward, who encouraged further debate on the topic after I introduced the motion on the day after Remembrance Day last year. I acknowledge a poem written by a doctor who was a soldier in the war and who had a companion animal called Rags. At the end of the Second World War everyone dispatched and Rags disappeared. The soldier thought Rags was never to be seen again and had no awareness of what happened to him, even though he was one of his closest companions in the war.

One day, when he was back at sawbones school in Cambridge, he was instructing various doctors and was taken into a laboratory. He saw a dog strapped down on an experimental table like a fleshed fish. The dog's stomach was open and they were doing all sorts of experiments on it while the dog was conscious. He looked at the dog and it looked at him, wagged its tail, licked his hand and died. He commented that there are men who go to war through the sea, to the sky and over land, but he has not met one soldier who, after serving man and then being abused by man, would reach out to the soldier who partook in that abuse.

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

Motion agreed to.

Documents

LOCKYER STREET, GOULBURN

Censure of Leader of the Government

Production of Documents: Order

The Hon. ROD ROBERTS: I move:

That private members' business item No. 1240 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROD ROBERTS (15:54): I move:

- (1) That this House notes that:
 - (a) on Wednesday 5 May 2021 this House ordered the production of documents regarding an incident on Lockyer Street, Goulburn, with a due date of Wednesday 19 May 2021;
 - (b) notwithstanding the sessional order providing for the Department of Premier and Cabinet to request a varied due date, no such request was received within the required time frame;
 - (c) on Tuesday 25 May 2021 the Clerk received correspondence relating to the order, which stated that the Minister for Police and Emergency Services and the Minister for Health and Medical Research held no documents covered by the terms of the resolution, and that the NSW Police Force and Ambulance Service of NSW were still in the process of reviewing documents and will produce documents as soon as reviews are complete; and
 - (d) on Wednesday 2 June 2021, two weeks after the due date, documents from the NSW Police Force and Ambulance Service of NSW were lodged with the Clerk.
- (2) That this House
 - (a) considers the failure to respond to an order of this House within the specified or varied time frame as noncompliance with an order of the House; and
 - (b) accordingly censures the Leader of the Government, as the representative of the Government in this House, for the Government's failure to comply with the resolution of the House of Wednesday 5 May 2021.

Moving this motion is not something I take lightly. To censure the Leader of the Government is not an insignificant matter; however, I am a big believer in accountability. All members in this Chamber should be big believers in accountability, and that includes members of the Government and their leader. On Wednesday 5 May this House passed a resolution that under Standing Order 52 documents relating to an incident at Lockyer Street in Goulburn be produced. The due date for that return was Wednesday 19 May 2021. The motion was supported by the Government. In fact, the Hon. Taylor Martin in his role as Parliamentary Secretary said these exact words, "As the honourable member foreshadowed, the Government does not oppose the motion."

The documents sought were about an incident that occurred on 24 February this year. The request for documents was further refined to between 10.00 p.m. and 11.55 p.m. on that day. We are talking about documents for a two-hour period on one day. In terms of the calls for papers under Standing Order 52 that the House has previously requested, this was not an onerous task by any stretch of the imagination. In my speech on 5 May on the motion to produce the documents, I said, *inter alia*, "This is the first Standing Order 52 call for papers motion I have moved in my time in this place. That is because I believe that Standing Order 52 is an important process and not one to be abused." I remind the Leader of the Government of my words again: "an important process and not one to be abused". I did not abuse the process, but I suggest the Government did.

The motion called for papers to be tabled in 14 days. Again, I remind honourable members that the Government agreed to that time frame. Therefore, the required documents should have been lodged with the Clerk on Wednesday 19 May. I inform members of what actually transpired in relation to the production of the documents. On 14 May Elizabeth Koff, Secretary for NSW Health, provided documents from that department to the Department of Premier and Cabinet [DPC] clearly within the required time frame. Deputy Commissioner Worboys responded on behalf of the New South Wales police; however, he did not forward the police response to the Department of Premier and Cabinet until 27 May. That is some eight days after the return date. Where did the police get the belief that they do not have to respond in a timely manner? Is the police Minister aware of this and, if so, what is he doing about it?

The question is, what was the reason that police blatantly disregarded the resolution of the House in relation to a 14-day return? Notwithstanding the breach by the police, the DPC was in possession of all documents by 27 May. The DPC was in possession of all the documents from Health from 14 May and, albeit late, the police documents from 27 May. Therefore, why were the documents subject to the resolution of the House not provided immediately once the DPC had them in its possession? Why did it take another eight days for the documents to be lodged with the Clerk? If needed, why did the DPC not avail itself of the sessional order and request an extension to the due date? Why did it not contact the Clerk or me to discuss the delay and propose an alternative? This is a mechanism available to it.

The Hon. Don Harwin: It is actually not—

The Hon. ROD ROBERTS: I will ignore the interjection from the Leader of the Government. This noncompliance is complete contempt of the House and its powers. It shows the Leader of the Government's complete lack of respect for the House, its rules and its members. This is yet another example of the arrogance of the Government and its disrespect for the standing of the Legislative Council. The cynical among us might think the Government delayed providing the documents by the due date because there was a by-election in the Upper Hunter and the documents may have caused embarrassment to the Government.

I will leave it to honourable members to draw their own conclusions as to what caused the Government not to comply with the Standing Order 52 request. I look forward to hearing what Government members have to say. How will they defend the indefensible? Yesterday our President reminded us all that we are approaching the bicentenary of this Chamber. It is a House built on tradition, precedence and rules. For a parliament to be accountable, it must be based on those principles. It is not for the Leader of the Government to choose what he will comply with and what he will not. I commend the motion 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) (15:59): I am pleased to provide a response to some of the intemperate remarks of the Hon. Rod Roberts in which he made allegations about the respect that I have for this House. Frankly, I found those remarks offensive as a former President of this Chamber and as a member for 22 years, but I did not take a point of order and I did not interrupt his speech. I also need to correct a number of clear misunderstandings that the Hon. Rod Roberts has about how the sessional order works and how the call for papers are dealt with. He will then understand why the Government will be opposing the censure motion. He has, of course, outlined the facts, but I will repeat some of them to provide context.

The Hon. Mark Latham: They're facts, not misunderstandings. You said they're facts.

The Hon. DON HARWIN: I will present the facts.

Mr David Shoebridge: To the Chair.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Mr David Shoebridge does not need to interrupt.

Mr David Shoebridge: Point of order—

The Hon. DON HARWIN: Perhaps you could take a point of order about the Hon. Mark Latham interjecting.

Mr David Shoebridge: I really did not want to take up the Minister's time with a point of order, but the exchange between the Minister and the member would be better directed to the Chair.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I note the point of order. The Minister has the call.

The Hon. DON HARWIN: I seek a short extension of one minute.

Leave granted.

The Hon. DON HARWIN: On Wednesday 5 May 2021 the House ordered the production of documents regarding an incident on Lockyer Street, Goulburn, providing 14 days for compliance, with the due date of Wednesday 19 May 2021. On Tuesday 25 May 2021 the Secretary of the Department of Premier and Cabinet [DPC] wrote to the Clerk advising that the Minister for Police and Emergency Services and the Minister for Health and Medical Research held no documents covered by the terms of the resolution of the House under which they were lawfully required to provide. The secretary's letter of that date also noted that the NSW Police Force and NSW Ambulance were in the process of reviewing documents for privilege and that they would produce documents as soon as those reviews were completed. After that review was complete, on Wednesday 2 June 2021, documents from the NSW Police Force and NSW Ambulance were delivered to the Clerk.

The sessional order provides an opportunity to apply to vary an order within only seven days. That expired on 12 May 2021 and there was no opportunity to use the sessional order to seek a variation at that point. I am advised that the issues that caused delays arose during the review of documents after the seven days had expired. The honourable member did make a reasonable point, which is that the DPC could have made a telephone call to let him know what was going on. That is a fair cop. To then move a motion to censure me as the Leader of the Government is, I would argue, a bit of an overreaction. In any case, I make the following points.

The House had been provided with all relevant documents. It is unreasonable for this House to censure the Leader of the Government for the delays which were occasioned for one reason and one reason only. The delays had nothing to do with the Upper Hunter by-election, as we just heard; that is just nonsense. The delays occurred so that privilege issues could be properly addressed by the DPC. The House has made 224 calls for papers since the 2019 State election. The Government has provided 2,510 boxes of records since that time. We are treating this process with respect. The motion is unreasonable and it should not be supported.

The Hon. PENNY SHARPE (16:04): I make a short contribution to the debate on behalf of the Opposition. Labor will be supporting the censure motion. The Opposition is not pleased to have to do this, but we share the frustration of the Hon. Rod Roberts and many members of this Chamber in relation to the creeping disregard from the Government and its Ministers when it comes to calls for papers under Standing Order 52. Yes, we accept that there have been a lot of calls for papers under Standing Order 52. We also accept that Executive Government never likes that. Frankly, that is just too bad.

The issue here is the power of this House to compel the Government to provide documents and the increasing noncompliance that is happening across government. I am tired of Ministers approaching the Opposition to say, "We want to negotiate terms and days." The Opposition is willing to do that, but the problem is that undertakings are made and then constantly undermined. They are undermined by the failure to produce documents, and I would particularly point out attachments to emails that come with those documents. They are undermined through spurious claims for privilege. We now have to factor in that the Government will make a whole lot of documents privileged and that we then will have to go through the arbiter to have the vast majority of those documents released as not being privileged.

This has become the way in which the Government does business when it comes to dealing with calls for papers under Standing Order 52, and we are all extremely sick of it. We are sick of constant delays after pre-negotiating the time frame for those documents to be produced. We are sick of excuses from the Government and its agencies about using extremely narrow definitions of documents that we know exist and then refusing to produce them. Let us be clear, this is about the way in which this House is able to exercise powers and to compel documents. I do not blame the Leader of the Government personally for this. This is not entirely on him.

The Hon. Don Harwin: Particularly not this one.

The Hon. PENNY SHARPE: Yes, but you sit in the big chair and you are the one who is going to get censured, and that is appropriate because that is why you sit in the big chair. However, the message that the Opposition wants to send to the Government and to its Ministers is that we are not going to continue to see this flagrant disregard for calls for papers that are duly passed by members of this House. Those powers of the House are used judiciously. The Opposition is open to discussion about what is reasonable. We do not want public servants tied up trawling through too many papers. We know what we are looking for and we are happy for help. But let us be honest, the Government does not do that in the way it returns papers. What we often get is a ream of blank paper chucked in a box with the key document hidden in the middle of it. The Opposition will not put up with the continued trickiness from the Government. We are not going to sit by and allow noncompliance to creep in and become the way in which the Government wishes to do business.

Mr DAVID SHOEBRIDGE (16:07): On behalf of The Greens, I indicate support for the motion. I will not repeat everything that the Hon. Rod Roberts put on the record, but I note he gave a very accurate statement of the chronology. It is a damning chronology, and it has not been challenged by the Minister. The Minister said that six days after the due date of the call for papers, without any explanation in the meantime, a letter was sent to the Clerk that said neither the Minister for Police and Emergency Services nor the Minister for Health and Medical Research had any such documents, and something to the effect that the NSW Police Force and the ambulance service were in the process of reviewing documents. I think the terms used in the correspondence were that they were in the process of reviewing documents and that they would get to it. No explanation was given about why that delay was required or what was the nature of the complex issue that they were reviewing.

Then two further weeks after the due date, without any further explanation for the delay, the documents finally came in. What came in? It was not like a truckload of documents; it was maybe 50 pages of documents. If the issue was having to review those documents for privilege, a junior solicitor could have gone through and reviewed them for privilege in two hours. No explanation was given for the delay. It is fair to raise a concern about whether there was an ulterior reason for the delay, because there is no other explanation from what can be seen in the documents that were produced. As I said, a junior solicitor could have gone through and reviewed those documents for privilege in two hours. The Greens will move an amendment to the censure motion to find out what they were saying amongst each other about the delay. Was there an actual rational reason given? What correspondence and emails and memos went between them? I move:

That the question be amended by inserting at the end:

- (3) That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 23 February 2021 in the possession, custody or control of the Minister for Police and Emergency Services, NSW Police Force, Minister for Health and Medical Research, Ambulance Service of NSW and the Department of Premier and Cabinet relating to an incident that occurred in Lockyer Street, Goulburn, between 10.00 p.m. and 11.55 p.m. on 24 February 2021 involving an unnamed male person:
- (a) all documents created as a result of the order of the House of Wednesday 5 May 2021 for the production of documents relating to an incident on Lockyer Street, Goulburn;
 - (b) all audio logs including all transcripts as referred to in correspondence received by the Clerk on Wednesday 2 June 2021 from the Department of Premier and Cabinet; and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of the order of the House.

The Hon. ROD ROBERTS (16:10): In reply: I thank and congratulate the Leader of the Opposition, the Hon. Penny Sharpe, for her contribution to the debate. That is my first opportunity to call her by that name on record. I also thank Mr David Shoebridge for his insightful comments and contribution. One Nation will support The Greens amendment to my initial motion. Going back to the Leader of the Government, I too acknowledge that it is not his fault, but he is the Leader of the Government. As the Hon. Penny Sharpe said, he sits in the big chair. Not only does he sit in the big chair but he also gets the big bucks and with the big bucks comes responsibility in the role. Unfortunately, it falls at his feet.

The Hon. Don Harwin: I was not suggesting I was not responsible.

The Hon. ROD ROBERTS: We all know someone has to be held accountable as the leader.

Mr David Shoebridge: Responsible but not culpable.

The Hon. ROD ROBERTS: Yes, responsible but not culpable. Now that I have cleared that up, let me go back to what the Leader of the Government said. I acknowledge that the Hon. Don Harwin does not personally handle those matters, but someone has to be held accountable. Therefore it is the Leader of the Government, and that is his role. I do not wish to put words in the mouth of the Leader of the Government, and I will stand corrected if I am wrong, but he said that the delay was because the documents needed to be considered for privilege. Let me draw the attention of the members of the House to the documents we are talking about. Mr David Shoebridge said

there were 50 documents. I think he was quite generous. I do not think it was quite that many, but let us say there was 50.

The Hon. Mick Veitch: Fifty pages.

The Hon. Don Harwin: I think he said 50 pages.

The Hon. ROD ROBERTS: Fifty pages, sorry. I still say that is generous, but let us say it is 50 pages. We are talking about two hours' worth of documents relating to actions that were taken between 10.00 p.m. and 11.55 p.m. on one single night. Why does it take 28 days from the resolution of this House to look through a maximum of 50 pages relating to two hours? Unfortunately, the Leader of the Government's argument does not hold any water whatsoever. He has given it no credibility. Again, it shows a complete disregard for the processes of this House. I commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Rod Roberts has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment of Mr David Shoebridge be agreed to.

Amendment agreed to.

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

The House divided.

Ayes22
Noes16
Majority.....6

AYES

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

NOES

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

PAIRS

Searle

Mitchell

Motion as amended agreed to.

SNOWY VALLEYS COUNCIL AND COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL DEMERGER

Production of Documents: Further Order

The Hon. MICK VEITCH: On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 1214 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MICK VEITCH (16:27): On behalf of the Hon. Adam Searle: I move:

(1) That this House notes:

- (a) that on Friday 14 May 2021, the Clerk received correspondence from the General Counsel of the Department of Premier and Cabinet, in response to an order of the House of Wednesday 5 May 2021 for the production of papers regarding demerger proposals for the Snowy Valleys Council and the Cootamundra-Gundagai Regional Council, advising that the Local Government Boundaries Commission is not subject to the control and direction of the Minister and that the Legislative Council should liaise directly with the Boundaries Commission in relation to the resolution; and
 - (b) that on Wednesday 19 May 2021, the Secretary of the Department of Premier and Cabinet lodged with the Clerk correspondence from the Office of the Minister of Local Government advising that there are no documents held that are lawfully required to be produced, and further stating that the Local Government Boundaries Commission is an independent statutory body which is not subject to the direction or control of the Minister and that the Legislative Council should liaise directly with the Boundaries Commission in relation to the resolution.
- (2) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Local Government Boundaries Commission relating to the proposals to demerge both the Snowy Valleys Council and Cootamundra-Gundagai Regional Council:
- (a) all documents relating to the proposal to demerge the Snowy Valleys Council, including all reports prepared by the Local Government Boundaries Commission for the Minister for Local Government;
 - (b) all documents relating to the proposal to demerge Cootamundra Gundagai Regional Council, including all reports prepared by the Local Government Boundaries Commission for the Minister for Local Government; and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (3) That the Clerk communicate the terms of this resolution to the Local Government Boundaries Commission.

This motion essentially arises from the process we have been following to obtain the demerger documents as prepared by the Local Government Boundaries Commission relating to a proposal to demerge the Snowy Valleys Council and Cootamundra-Gundagai Regional Council. I know that members in this Chamber have been receiving correspondence—in some cases large amounts of correspondence—from residents in both of those council areas who want to see these documents. They want to see what the boundaries commission has recommended or put in the report to the Minister after going through the exercise.

It would be fair to say that there was an expectation that the documents would have been delivered under the previous Standing Order 52 motion, but it has become evident—I understand that this is an unusual process—that we have now moved to providing instruction to the boundaries commission about these documents. There is a subtlety to this motion in that it relates to documents prepared by the boundaries commission and not by the Minister. We know that these documents exist because in correspondence from the executive officer of the Local Government Boundaries Commission to the Council in Exile group it states:

As you will be aware, the Boundaries Commission has completed its report regarding the proposal to demerge and has provided this to the Minister for her consideration and decision.

We know that the documents exist. This process has come to light because of the previous resolution and the fact that the boundaries commission, as I understand it, does not directly report to the local government Minister. Under instruction or advice from the Clerk we are following a process whereby we can obtain these documents. The communities involved in these two council areas want to know what is in these documents and they are concerned about whether or not they will be demerged. There are people who want to consider whether or not they will contest the next local government elections and they need to know whether those local government elections will take place and, if so, what entity they would be running for—whatever that may look like. They are concerned about what this will mean for the ongoing administration and governance of their local government areas in the future. These reports and information are critical to the community. I commend the motion of the Hon. Adam Searle to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:32): I spoke to this motion the last time it was before the House. The creation of these reports is effectively for the purposes of ensuring that the Minister, as part of a Cabinet process, makes a decision in relation to the demerger or alteration of the council boundaries. On the last occasion the Government indicated to the House that the Minister was closely examining the reports before making a decision as to the implementation and recommendation to the governor. There is no statutory time frame for the Minister to make such a decision and the Minister is aware of the community's expectations that this process is completed in a reasonable time frame to provide certainty to the council and local residents.

The Government understands the importance of taking time to carefully consider and examine the report prior to making a decision. It is essential for the communities of Snowy Valleys Council and Cootamundra-Gundagai Regional Council that these reports be carefully considered. The Minister has committed to making these reports public in due course. I am advised that these reports are currently Cabinet in confidence.

The Government asks for the consideration of the House in supporting a due process before supplying these reports. To that end it asks for additional patience from members before these reports are provided.

Mr DAVID SHOEBRIDGE (16:34): Madam Deputy President (Ms Abigail Boyd), your loftiness, on behalf of The Greens I make a contribution to indicate support for this Standing Order 52 [SO52] motion. The repeated manner in which the Government is seeking to avoid SO52 motions by saying that large parts of the Government are not subject to any ministerial oversight is an increasing problem. In this case, trying to suggest that the boundaries commission is not subject to any direct ministerial oversight is deeply problematic. The Greens support the novel formula for this SO52. We indicate that if it is not successful, we would be willing to consider other measures of compulsion to ensure that the documents are produced, including section 4 of the Parliamentary Evidence Act to summons the members of the boundary commission to attend the Chamber to give evidence and explain the noncompliance.

I hope that it does not get to the point of having to summons the boundary commission members to explain noncompliance. But there are other tools available to the Parliament to be used. The Greens will agree to whatever reasonable actions are required to gain the information in order to do our job of holding the Government to account. I note the Minister's observation that the process is a Cabinet process. That is, however, not how the Act works. The Act does not require Cabinet to make a decision. The Act sends the report from the boundaries commission to the Minister and it is solely in the Minister's capacity as Minister to make the decision. It is not a Cabinet process unless the Government chooses to make it a Cabinet process.

Whatever happens between the Minister and the Cabinet is a matter between the Minister and the Cabinet. We know that at one stage—and this is what the SO52 was originally targeted at—the report goes from the boundaries commission to the Minister. I will say that there has been substantial delay in the Minister making this decision. Of course, the bulk of the delay has been with the boundaries commission and in getting it to the boundaries commission. The Greens support urgent reform to this entire part of the Local Government Act to put mandatory time frames in at each point. I know a lot of the criticism is with the Minister and I think there is some genuine criticism of the delay by the Minister. The bulk of the delay lies with the boundaries commission and we should recognise that. With those thoughts, The Greens indicate our support for the motion.

The Hon. ROD ROBERTS (16:37): Welcome to your new chair position, Madam Deputy President (Ms Abigail Boyd). On behalf of One Nation, I indicate that we support this motion. The Hon. Mick Veitch knows that I have a keen interest in the Cootamundra-Gundagai component of this motion. The residents of Cootamundra and Gundagai and the council have pleaded for our assistance. They cannot access the documents. They need to access the documents. The community needs to know what is going on and to have certainty and direction. The community has called upon us as their elected representatives to ensure that is so. One Nation will support this motion.

The Hon. MICK VEITCH (16:37): On behalf of the Hon. Adam Searle: In reply: I thank the Minister, Mr David Shoebridge and the Hon. Rod Roberts for their contributions to the debate. It is clear that the documents exist; we are not saying that they do not exist. They exist and it is a matter of the treatment of the documents in the journey from the work of the boundaries commission through to the Minister and then to a decision. Essentially that is the discussion that is occurring here and at what point we are along that journey. I acknowledge the Minister's request that members exercise patience. As Mr David Shoebridge said, it has already been a long journey and the communities are becoming impatient with the delay. They would like to know one way or the other what is in these documents. I commend the motion of the Hon. Adam Searle to the House.

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

The House divided.

Ayes23
Noes15
Majority.....8

AYES

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

Houssos
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Roberts
Secord
Sharpe
Shoebridge
Veitch

AYES

Graham

Nile

NOES

Amato

Franklin

Martin

Cusack

Harwin

Mitchell

Fang

Khan

Poulos

Farlow

Maclaren-Jones

Tudehope

Farraway (teller)

Mallard (teller)

Ward

PAIRS

Searle

Taylor

Motion agreed to.**BEFORE AND AFTER SCHOOL CARE****Production of Documents: Further Order****The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 1231 outside the order of precedence be considered in a short form format.

Motion agreed to.**The Hon. COURTNEY HOUSSOS (16:49):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2019, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education relating to before and after school care and vacation care:

- (a) any document which discloses the shortlisted and prioritised schools for an Out of School Hours [OOSH] hub;
- (b) all reports, briefings, modelling data, spreadsheets and tables regarding the latest update of the before and after school care school by school plan;
- (c) all reports, data and briefings regarding demand modelling and site assessments by School Infrastructure NSW regarding the identification of target schools for OOSH hubs; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I have spoken to the Minister and we have come to an agreement. This call for papers seeks further information about a return to order that was provided. We seek further information around the decision of the location of the before and after school care hubs and the basis for that decision. I have spoken a lot in the House about the Government's before and after school care commitment. We are simply trying to get some more information around the Government's announcement.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:50):

The Government does not oppose this Standing Order 52 call for papers. As the member has outlined, this is something we have spoken about. It is a further order. We were happy to comply with the original call, and we are happy to be transparent on this call as well.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.**Motion agreed to.****WESTERN SYDNEY AND SOUTH-WEST SYDNEY PUBLIC SCHOOLS****Production of Documents: Order****The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 1230 outside the order of precedence be considered in a short form format.

Motion agreed to.**The Hon. COURTNEY HOUSSOS (16:51):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of the Minister for Education and Early Childhood Learning relating to public schools in western Sydney and south-west Sydney:

- (a) all reports, briefings and memorandums relating to the Resource Allocation Model for each public school in the western Sydney and south-west Sydney regions;
- (b) all reports, briefings and memorandums relating to the allocation of specialist teaching staff for each public school in the western Sydney and south-west Sydney regions;
- (c) all reports, briefings and memorandums relating to the provision of specialist support professionals, including consultant and advisory roles, for each public school in the western Sydney and south-west Sydney regions;
- (d) all reports, briefings and memorandums relating to class sizes for each public school in the western Sydney and south-west Sydney regions; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Again, we seek information around the resources and the support that is provided to public schools across western and south-western Sydney. We seek the information that relates to the direct financial support that is provided as well as the other means of support such as professionals, including consultants and advisory roles. We also seek information about class sizes in western and south-western Sydney. Again, this is something that I have spoken about extensively in the House. We seek more information in order to provide us with clarity around what exactly is being provided by the Government to schools across western and south-western Sydney.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:52): Once again the Government does not oppose this Standing Order 52 call for papers.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.

Motion agreed to.

EDUCATION - KEY FACTS DOCUMENTS

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1125 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS: I seek leave to amend private members' business item No. 1125 as follows:

- (1) Inserting in paragraph (a) "final" before "document", and
- (2) Inserting after paragraph (a) (viii):
 - (ix) April 2021;
 - (x) May 2021; and
 - (xi) June 2021.

Leave granted.

The Hon. COURTNEY HOUSSOS (16:53): Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education:

- (a) the Department of Education final document, entitled *Education - Key Facts* produced for:
 - (i) August 2020;
 - (ii) September 2020;
 - (iii) October 2020;
 - (iv) November 2020;
 - (v) December 2020;
 - (vi) January 2021;
 - (vii) February 2021; and
 - (viii) March 2021.

- (ix) April 2021;
 - (x) May 2021; and
 - (xi) June 2021.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I have spoken to the Minister about this. We seek the specific copies of the documents. I have also moved these amendments to update the call of which I gave notice some time ago. These are the key information documents that are provided to the Minister. It is only appropriate that they be available to the public as well.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:54): The Hon. Courtney Houssos and I have spoken about this. We have provided these documents in Standing Order 52 calls for papers in the past. We are happy to do that again and do not oppose the motion.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Reference

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1128 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (16:55): I move:

- (1) That this House note that:
 - (a) in its report entitled *Animal cruelty laws in New South Wales*, dated June 2020, the Select Committee on Animal Cruelty Laws in New South Wales recommended: "That the Legislative Council Portfolio Committee responsible for Primary Industries (or other Portfolio Committee that has primary responsibility for animal welfare) be required to conduct a one-day public hearing each year involving the approved charitable organisations; with the hearing to be conducted after the lodgement of the approved charitable organisations' annual reports in New South Wales Parliament. One of the core requirements of the hearing will be to examine the approved charitable organisations' compliance and enforcement responsibilities under the Prevention of Cruelty to Animals Act 1979. Further; that approved charitable organisations be invited to attend the relevant Portfolio Committee in conjunction with representatives from the Department of Primary Industries; and
 - (b) the Government response to this recommendation, dated 4 December 2020, was "not supported".
- (2) That the resolution of the House of 8 May 2019 establishing the Portfolio Committees be amended by inserting after paragraph 6:

Referral of annual inquiry to Portfolio Committee No. 4 – Industry

- 7. That Portfolio Committee No. 4 – Industry annually inquire into and report on the operation of the charitable organisations approved under s 34B of the Prevention of Cruelty to Animals Act 1979, and in particular:
 - (a) the matters contained in the annual reports of the approved charitable organisations; including their financial statements;
 - (b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979; and
 - (c) any other related matter.
- 8. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of each calendar year.

This important motion simply inserts a provision that would allow Portfolio Committee No. 4 to conduct an annual inquiry into the approved charitable organisations [ACOs] under the Prevention of Cruelty to Animals Act [POCTAA]. It would focus on their activities and finances as they apply to their work in enforcing the Act. This is not a unique concept and I draw the attention of members to other committees such as the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission that conduct annual inquiries into the activities of their agencies.

During the inquiry into animal cruelty a few things became apparent, including the funding of the ACOs. No-one, including the ACOs or even the Government representative, could elaborate on how the funding was calculated. It appears it was just a figure plucked out of the air. The committee heard testimony from the RSPCA

in particular, stating that it relied heavily on donations to run inspectorate activities. Therefore, having an annual inquiry after the RSPCA has published its annual reports will be a useful tool to engage the scope of its work, the effectiveness of the legislation and regulations pertaining to animal cruelty, and any fluctuations in operational costs that may better inform funding decisions.

Unfortunately, during the inquiry the committee received submissions, from both sides of the coin, that highlighted some not so positive interaction about the activities of the RSPCA. Some stated that the ACOs had their own issues with animal welfare in their shelters, as well as claims of not acting on issues. There were also significant examples of them being too heavy-handed in some situations. We also received many complaints about how the RSPCA had acted in relation to recent compliance by dog breeders, allegedly and deliberately going after the low-hanging fruit of hobby breeders to prove some sort of point to the Minister that the code is out of date.

I think members would agree that giving the ACOs a medium through which they can raise these sorts of issues with members of Parliament, rather than feeling they have to perform this sort of stunt that only hurts the individual animal owner, would be a positive outcome for all. Many of the individual issues that were raised were historical or, at the very least, a few years old. The inquiry also helped to outline that there is a gap in procedural fairness for those concerned about the enforcement actions of the ACOs. The advice from the department states:

In most cases complaints can be resolved by raising them with the inspector directly. By simply and clearly explaining why you are complaining and giving the inspector a chance to respond, you may be able to resolve the issue. If this is unsuccessful you should escalate your complaint.

What advice is offered around escalating a complaint? When you scroll down to the heading, "Talk to the inspector but I still want to complain" you are encouraged to write to the chief inspector of the ACO—no other support is provided. Logic dictates that the chief inspectors are not independent in reviewing the actions of their colleagues, just like any other internal review process. Beyond this no recourse is provided for people to have their concerns heard. I am not proposing that Portfolio Committee No. 4 becomes some sort of quasi complaints panel; however, it will allow for a more timely ventilation of some of these historical concerns and may help to identify any systemic issues in the operations of the ACOs. That can only lead to a more informed approach to legislative or regulatory reform. I commend the motion to the House.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:59):

On behalf of the Government I oppose the motion. I note the desire of the honourable member to highlight the importance of oversight of the approved charitable organisations that enforce the Prevention of Cruelty to Animals Act 1979, otherwise known as POCTAA. The New South Wales Government does not support establishing a dedicated annual inquiry into the operations of the approved charitable organisations. The governance and oversight arrangements of the approved charitable organisations are being considered as part of the project to reform animal welfare laws in New South Wales. This Government has committed to delivering new animal welfare legislation and broader reform, where it will be looking at a range of issues, including accountability.

The Government is on track to release an exposure draft of the new laws by the end of the year. That will allow members of this place to have their say. It is critical that the community is also given the opportunity to comment on all aspects of the new laws, which is why the reform process has been underpinned by a commitment to consulting at every stage. It is not appropriate to make ongoing changes to the oversight of the approved charitable organisations that enforce our animal welfare laws when those laws are currently subject to wideranging and far-reaching reform. It is an incredibly complicated area of policy, and taking a piecemeal approach is not appropriate. We intend to address the issues holistically. I take this opportunity to remind the House that POCTAA currently includes provisions that outline the ways in which the New South Wales Government oversees the approved charitable organisations.

Section 34B of the POCTA Act establishes that, as a condition of being approved as an enforcement agency under POCTAA, approved charitable organisations must provide an annual report to the Minister outlining matters relating to their enforcement function. It also establishes that the approved charitable organisations must provide reports on any matter relating to their enforcement function upon the Minister's request. Clause 34 of the POCTA regulations provides an extensive outline of what must be contained in the annual report to the Minister, ensuring that there is appropriate oversight of the activities performed by the approved charitable organisations. As we continue to work through the process of reforming the State's animal welfare laws, we will seek public feedback on how those arrangements are currently functioning and ideas on how to strengthen them. We do not want to pre-empt that process and limit the options that can be explored by making major changes to the oversight of enforcement agencies today. As such, the Government opposes the motion.

The Hon. MICK VEITCH (17:02): I listened with interest to the Minister's contribution, which was no doubt provided by the agriculture Minister's office. I have a few things to say. First, this is a recommendation of the animal welfare inquiry, and the House gave consideration to that. That means the committee is doing its job. If members have faith in the committee system, I would suggest that members of this House back this in. Secondly,

the Minister says, "We have got this body of work. We are about to go out with a draft." We have been waiting and waiting. When a previous Prevention of Cruelty to Animals Amendment Bill came before the House, I said something along the lines of, "How much longer do you want us to wait? Don't do things piecemeal." That is exactly what the Government did. It provided us with a piece of legislation with some amendments to the Prevention of Cruelty to Animals Act, knowing that at some stage in the future it was going to bring to the House a whole paradigm shift in the operation. The Government is doing that very same thing now.

The agriculture Minister should get his act together. It is not good enough. The people who appeared before the inquiry said that they supported this action, including the animal control officers [ACOs]. I asked the RSPCA representatives, "Would you have a problem with this?" They said, "No, we'll come." They receive government funds and people want to make sure that those government funds are being utilised, administered and expended in accordance with the community's expectation. That is what this inquiry is about. It is not an arrangement where we will spend every day of the year interrogating those agencies. After the annual report, they will come in and members of the committee will have an opportunity to ask questions, such as, how was the money spent, what were the issues that arose, what are the lessons that can be learnt, what we can do better? We continue to wait for the Government to bring that body of work in its entirety. It is not good enough to keep bringing bits and pieces forward and saying, "We can do it but you can't." The Opposition supports this motion because the stakeholders want it and the ACOs said that they were happy to do it.

The Hon. EMMA HURST (17:04): The Animal Justice Party supports the motion. This inquiry was a recommendation of the Select Committee on Animal Cruelty Laws in New South Wales, chaired by my colleague the Hon. Mark Pearson. It will provide an unprecedented opportunity to scrutinise the work of the enforcement agencies appointed under the Prevention of Cruelty to Animals Act and bring some much-needed transparency into this space in a consistent way. The inquiry is sorely needed because, as I have said many times in this place, the current enforcement regime in New South Wales is highly unusual and problematic. Animal protection laws are the only criminal acts that are primarily investigated and prosecuted by two private charities, the RSPCA and the Animal Welfare League NSW.

That makes the Prevention of Cruelty to Animals Act [POCTAA] the only piece of legislation in New South Wales that requires fundraising from the public to enforce its laws. The New South Wales Government continues to take advantage of this fact and underfunds the enforcement agencies. Right now, RSPCA NSW receives only 6 per cent of its enforcement funding from the Government—the lowest of any State or Territory. It is very disappointing to hear that the Government is not supporting the motion. With this lack of resourcing, it is no wonder that in the 2018-19 financial year RSPCA NSW received more than 16,500 complaints of animal cruelty but initiated only 77 prosecutions.

I want to be clear that the aim of this inquiry is not to criticise the enforcement agencies. Rather, it is an opportunity to ask questions of the agency about its work, identify barriers to enforcement and then, if those barriers are in the legislative framework, to identify funding arrangements or working relationships with other agencies such as the NSW Police Force and the Department of Primary Industries. Since my time in this place, I have found time and again different issues that are not necessarily clear to the public, one of those being Working With Children Checks and the fact that the Children's Guardian is not getting information of prosecutions from the RSPCA because it is a private charity that has private systems that are not necessarily shared with other departments. That is problematic. They have been hidden for a long time, and it is time that they came out of the woodwork. I urge all members to support this motion.

The Hon. MARK BANASIAK (17:07): In reply: I acknowledge the contributions of the Minister, the Hon. Mick Veitch and the Hon. Emma Hurst. I pick up on a few of those comments. This was a recommendation of the animal welfare inquiry. The suggestion was that the matter be referred to Portfolio Committee No. 4 - Industry. As I am the chair of that committee, I thought it entirely appropriate that I be the one to move this motion in the House. The Minister spoke about government oversight and that it is already in place. There is government oversight and then there is parliamentary oversight, and they are two completely different things. The annual inquiry will look at parliamentary oversight of those two animal control bodies. I acknowledge that there may be government oversight, whenever we see a new version of the POCTA Act, but there also needs to be parliamentary oversight. That is what the annual inquiry is about. I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.

Motion agreed to.

Motions

NRL BEANIE FOR CANCER ROUND

The Hon. TAYLOR MARTIN: I move:

That private members' business item No. 1229 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. TAYLOR MARTIN (17:10): I move:

- (1) That this House notes that:
 - (a) round 15 of the NRL from 17 to 20 June will be Beanie for Brain Cancer Round;
 - (b) the NRL Beanie for Brain Cancer Round has become an iconic fixture on the rugby league calendar and raises awareness and funds for brain cancer research;
 - (c) in 2020, the NRL Beanie for Brain Cancer Round raised \$2.55 million for the Mark Hughes Foundation with all proceeds raised directed to research into better treatments for brain cancer patients;
 - (d) there were an estimated 1,879 new cases of brain cancer diagnosed in Australia in 2020 and an estimated 1,518 deaths from the disease; and
 - (e) the five-year survival rate for individuals diagnosed with brain cancer is just 22 per cent.
- (2) That this House encourages everyone to support the NRL Beanie for Brain Cancer Round in 2021.

In two weeks 'time round 15 of the NRL will be the annual Beanie for Brain Cancer Round. People attending games that weekend, as well as fans watching at home, are invited to support the beanie round by wearing a beanie, buying a beanie or making a donation to the Mark Hughes Foundation. According to the Australian Institute of Health and Welfare, an estimated 1,879 people were diagnosed in Australia with brain cancer in 2020 alone. Unfortunately, there were 1,518 deaths in the same year. It is the leading cause of cancer death in children and adults aged under 40. Brain cancer has an extremely high mortality rate, with the five-year survival rate for brain cancer being 22 per cent in 2016. Despite making up 1.3 per cent of new cancer cases in 2020, it made up 3.2 per cent of deaths in that same year.

I acknowledge the Mark Hughes Foundation, which is a non-profit health promotion charity that was started by Mark and Kirralee Hughes in 2014 following Mark's diagnosis of brain cancer in 2014. Mark is a Hunter local and played in the Newcastle Knights grand final winning sides in 1997 and 2001 and also played for the New South Wales State of Origin team in 2001. The Mark Hughes Foundation is based in the Hunter and to date the foundation has raised over \$20 million and funded the brain cancer biobank at the Hunter Cancer Biobank, the associated travel grants, and multiple research projects around Australia including three fellowships and multiple brain cancer care coordinators. It has the goal of finding a cure for brain cancer.

In particular, funds have supported the establishment of the first specialised brain cancer care coordinator—a role that supports brain cancer patients across the Hunter New England Local Health District. The foundation funded the Matt Callander Beanie for Brain Cancer Fellowship at the Hunter Medical Research Institute. Neuroscientist Dr Kelly McKelvey was awarded a three-year fellowship, with her research focused on high-grade brain cancers, including glioblastoma. The foundation also funded a three-year fellowship at the Hunter Medical Research Institute for Dr Mike Fay to develop scanning markers and targeted therapies for cancer cells that resist current known treatments.

The Beanie for Brain Cancer Round is the legacy of Matt Callander, who worked on the NRL for Channel 9 and was diagnosed with brain cancer in 2016. Matt and his family took on the project of establishing the Beanie for Brain Cancer Round whilst Matt was in the middle of his huge fight against brain cancer. The first round was held in 2017 and established an iconic event on the NRL calendar. The event continues every year despite, sadly, Matt passing away in 2017. The round has been extremely successful, with millions of dollars being raised for brain cancer research, including \$2.55 million in 2020 despite most games having capacity for just 1,000 people due to the COVID. This year will be different, with people in the crowd as well as commentators wearing their beanies and also players running onto the field wearing their beanies. Mark Hughes said:

Aside from selling our beanies, the national exposure and awareness for brain cancer and having it in the spotlight gives real genuine hope for brain cancer patients and their families. The beanie has become a symbol of hope for all of us out there facing this disease.

I congratulate everyone involved in the NRL Beanie for Brain Cancer Round, including supporters, players, broadcasters and especially the Mark Hughes Foundation. I encourage all members of this House and the public to support the event. I look forward to being at the McDonald Jones Stadium Saturday week to watch the Newcastle Knights play the New Zealand Warriors, who have been staying in Terrigal for quite a long time due to COVID. I will be wearing my Mark Hughes Foundation beanie.

The Hon. PENNY SHARPE (17:14): I support the motion and thank the Hon. Taylor Martin for bringing this motion before the House. As he noted, brain cancer is the leading cause of cancer death in children and adults under 40 in Australia. Around 1,900 brain cancers are diagnosed every year in Australia. It has an extremely high mortality rate. It is a complex cancer, which means that there is not enough funding for research and more work

needs to be done. That is why it is very good that people come together through their experiences and establish foundations such as the Mark Hughes Foundation.

Beanie day is like so many fundraising events for people who have been impacted by cancer—in this case, brain cancer—but often many other cancers. It brings people together, who say, "We're going to do something about this. We're going to raise funds. We're going to raise awareness. We're going to get people to join together to think about something that impact on many people in our community." I am glad that the Hon. Taylor Martin told us who will be playing in the NRL round 15 because I had no idea, but on this occasion I am going for the Warriors.

The Hon. Mark Latham: What?

The Hon. PENNY SHARPE: My brother-in-law is a Kiwi. What can I say? I have to do that. These events are important because they raise awareness and build understanding in the community. The beanie idea is an incredibly innovative and thoughtful way to help people who have brain cancer. For those patients, often their head is in a pretty bad way. My father had a brain tumour before he died, so I am a little familiar with brain cancer. His head looked pretty rugged. I was very glad that he had a beanie. This is a very good motion. It tells a very important story and allows us to spread awareness.

I particularly acknowledge on record the contribution of the people who in their own time work in these foundations, spread awareness and understanding and raise millions of dollars in our community to help fund the incredible research that needs to be done to genuinely tackle and reduce mortality rates so that people who are diagnosed with this terrible illness have the best chance of survival. I commend the Hon. Taylor Martin for moving the motion. Go the Warriors!

The Hon. MARK LATHAM (17:17): I support the motion. In particular, I note the wonderful efforts of Mark Hughes in raising this funding. He was a very fine rugby league football player for the Knights, a premiership winner in the centres, and he has gone on to show great resilience and courage in fighting brain cancer. I saw him at the Dragons game at the McDonald Jones Stadium and he was very positive about his health. With his outlook, every day he becomes more positive. While he is never quite in the clear, he is an example of how it is possible to fight off this disease. He is doing well and he is an inspiration to everyone in that community and indeed around the country, particularly rugby league supporters.

Last Sunday at the Knights-Parramatta game, hosted by the Knights—and a result that would delight our Clerk, who is a Parramatta supporter, but has Novocastrians in mourning—Mark Hughes announced that the fundraising efforts for Beanies for Brain Cancer are ongoing. One of his former teammates, Adam MacDougall, who runs the successful The Man Shake business, has donated \$500,000 to this charity. That is a wonderful amount of money. From time to time we hear awkward publicity about football players and sportspeople in general and obviously the media plays that up.

But here is an example of someone—I remember him as Mad Dog MacDougall and his wonderful battles with Wendell Sailor, which was a feature of football at the time as they went at each other hammer and tongs on the wing—who has become a successful business person and is doing something positive for men's health with The Man Shake by trying to reduce the size of bellies as best that blokes can. That is a positive thing but to contribute \$500,000 for this wonderful cause is an inspiration. I note the ongoing efforts of the Newcastle Knights to raise the money, the heroism and dedication of Mark Hughes, and the way in which the rugby league fraternity gathers around this wonderful cause, as noted in the motion of the Hon. Taylor Martin. I congratulate them all. As a Parliament, we should be proud that they reside in our State.

The Hon. BEN FRANKLIN (17:19): We all know many people in this Chamber who have been touched by cancer in some way in their lives and who have shared stories of grief, heartache and loss but ultimately of love. It is both appropriate and inspiring that one of the nation's largest sporting bodies, the NRL, is supporting people across the country who share a similar story. I support the motion the Hon. Taylor Martin has brought before the House and I commend the NRL for its involvement in the Beanie for Brain Cancer Round since 2017. Now in its fifth year, it has become an iconic fixture on the rugby league calendar, helping to raise millions of dollars for brain cancer research, as the Hon. Mark Latham said.

Tragically, we know that the survival rate of a brain cancer diagnosis is not in favour of the patient. The ripple effect is significant across families, friends and local communities. Bodies like the NRL set such a positive example when they use their platform to help make change for good, raise awareness and deepen a sense of community. When you face a monolithic challenge like brain cancer, it is incredibly comforting to know that countless people, many of them total strangers, are standing with you in your fight.

The Mark Hughes Foundation partners with the NRL to raise vital funds for brain cancer research. In 2013 Mark Hughes was diagnosed with brain cancer and he and his wife began the foundation to support research for

treatment and cures. In 2016 Mark's friend Matt Callander was also diagnosed with brain cancer. He passed away in October 2017; he was 46 years old. For many years Matt was an executive producer of the NRL coverage and *The Footy Show* at Channel 9. It is because of him that the Beanie for Brain Cancer Round exists. In its first year in 2017, the round raised \$2.3 million and it has continued to raise millions of dollars for brain cancer research. In 2017 Matt said, "There is a direct correlation between research and getting a cure."

This year's round 15 of the NRL will continue Matt Callander's important legacy and provide hope for the many Australians who will be diagnosed with brain cancer. Cancer does not discriminate and any organisation that stands up in the fight against this horrendous disease deserves to be sincerely commended for its effort. I thank the Hon. Taylor Martin again for bringing the motion to the House. I offer it my full support, as I do to the mighty Dragons, who will be playing the Canberra Raiders on Saturday week at WIN Stadium. I know that it is not even going to be a contest. Bring it home, boys.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (17:22): I support the motion moved by the Hon. Taylor Martin and commend him for bringing this important motion to the House. It is a privilege for me, with my love of sport, to commend the member but also to highlight the importance of sport and its role in bringing about awareness of and raising funds for issues such as brain cancer. The wonderful work done by the NRL in partnership with the Mark Hughes Foundation is to be commended. It is difficult to find innovative ways to raise money these days; lots of initiatives have been undertaken. The Beanie for Brain Cancer Round initiative is fantastic. There are many initiatives in sport. One of the beautiful things that I love about sport is the way it brings our community together to support good causes, like Beanie for Brain Cancer.

It is lamentable that cancer has touched all of us in this place and so many families. There are families battling brain cancer right now. For my part, I acknowledge a very good friend of my husband, Erik Mather. Erik was a beautiful person. He was one of the earliest people to look at ethical investing. Erik got brain cancer. I remember one of the last lunches we had together at our place; he was wearing a beanie at the time. He was so divine. Erik was just 46 years old. It is terrible that he had that awful battle and that his kids have had to grow up without him.

I commend the wonderful work being done by the foundation to help other families so that they do not have to go through the same challenges as the beautiful Mather family. I know that the people who work very hard for and give up their time to charitable foundations have only the best interests of ensuring that others do not have to face the same challenges. I commend everyone involved and I am grateful for the wonderful work they do. I hope that everybody gets involved and wears a beanie. I will not disclose which team I will be supporting. I commend the motion to the House.

The Hon. TAYLOR MARTIN (17:24): In reply: I thank all members for their contributions. I thank the new Leader of the Opposition the Hon. Penny Sharpe and congratulate her on her elevation. I thank the Hon. Mark Latham for his contribution. He is a new local in Newcastle and possibly a new Knights fan.

The Hon. Mark Latham: No.

The Hon. TAYLOR MARTIN: No? I thank the Hon. Ben Franklin, who is a St George fan, which many in the Chamber just learnt today. I thank the sport Minister, and I am very grateful that she is present in the Chamber. I also congratulate her on her recent elevation. I commend the work of all those at the Mark Hughes Foundation and everybody associated with the round, from the NRL to the broadcasters and others. I look forward to the Beanie for Brain Cancer Round.

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

Motion agreed to.

ADVENT ENERGY PETROLEUM EXPLORATION PERMIT 11

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1237 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (17:26): I move:

(1) That this House notes:

- (a) the strong community opposition to offshore drilling for oil and gas in New South Wales, including to the proposed extension of Advent Energy's Petroleum Exploration Permit [PEP11] project;
- (b) the importance of New South Wales coastline and waterways to our ecosystem as well as tourism and investment;

- (c) PEP-11 has been publicly opposed by:
 - (i) NSW Liberal-Nationals Government members, including John Barilaro, MP, and Adam Crouch, MP;
 - (ii) Federal Liberal-Nationals Government members, including Prime Minister Scott Morrison, MP, Jason Falinski, MP, and Lucy Wicks, MP;
 - (iii) Federal Labor Party members, including party leader Anthony Albanese, MP; Pat Conroy, MP; and Emma McBride, MP;
 - (iv) NSW Labor Party members, including Liesl Tesch, MP; David Harris, MP; and David Mehan, MP; and
 - (v) all MPs and senators of the Australian and New South Wales Greens.
- (2) That this House:
 - (a) opposes the renewal of PEP-11; and
 - (b) calls on the New South Wales Government to oppose the renewal of PEP-11 and to take all possible action to prevent the construction or installation of any infrastructure related to PEP-11 drilling or offshore exploration and activity in New South Wales.

You really could not make this up. In 2021 our community is having to fight against a proposal to build an oil and gas rig off the east coast of New South Wales. Despite the impacts on marine life, the huge consequences for our planet's climate and the ever cheaper, not to mention the far more sustainable cost of renewable energy, none of those obvious deterrents are apparently enough for the Federal Liberal resources Minister to reject the PEP-11 proposal once and for all with the stroke of a pen.

There is strong community opposition to PEP-11. From Sydney's beaches through to the Central Coast and all the way to Newcastle, local communities have come together to demand that the PEP-11 proposal be rejected. Save Our Coast, a grassroots community campaign leading the fight against PEP-11, already has collected over 86,000 signatures on its petition and has been holding regular paddle outs to protest the plan, with at times up to 500 in attendance. The project is so unpopular that the New South Wales Nationals leader, John Barilaro, and Liberal Prime Minister Scott Morrison have come out publicly against it. They are among a growing number of MPs from across the political spectrum who are echoing the demands of the grassroots campaign against PEP-11.

Despite strong opposition from affected communities and from New South Wales and Federal MPs across the political spectrum and despite the dire impacts that such a project will have, PEP-11 has yet to be outright rejected. Right now, sitting on the desk of the Federal Liberal resources Minister Keith Pitt are the documents to approve or deny the project. Right now he could end the uncertainty and agree to protect our coast. One might think, "Don't worry, with such a mountain of factors stacking up against this project there is no way he would approve it." But that is clearly not how Advent Energy sees it. Advent Energy, the current owners of the petroleum exploratory licence that is PEP-11, recently called for tenders for drilling equipment as it moves ahead with the project. That Advent Energy is proceeding to lay the groundwork to begin construction of an offshore oil and gas rig is a valid reason for concern.

If PEP-11 proceeds, it will have devastating consequences. Offshore drilling destroys marine environments that animals rely on for survival and disrupts food supplies for entire ecosystems, and that is before we arrive at the potential impacts that a well failure could have on the entire New South Wales coastline—the most populated coastline in Australia. Local coastal environments, including beaches, lakes, estuaries and river systems, would be exposed. This would harm tourism and fishing industries and the wellbeing and health of local residents and coastal ecosystems.

We cannot take the chance that the Federal Liberal-Nationals Government will make the wrong decision. We have a duty to the people of New South Wales to ensure that the PEP-11 project will never go ahead. We can do so by making it more difficult and costly for Advent Energy to drill off New South Wales by prohibiting the construction of all related infrastructure on our shores. This is within the power of the New South Wales Liberal-Nationals Government. The time for words is over. It is time for the Government to act. I commend the motion to the House.

The Hon. MARK LATHAM (17:30): One Nation opposes the motion because anything that builds oil and petrol self-sufficiency for Australia is a good thing. We have no more than months of reserves. In the COVID crisis last year, Federal energy Minister Angus Taylor bought oil reserves from the United States. It is not yet clear if they have come to Australia. We have seen oil refineries close down. Why would Australia—a traditional energy power—isolate itself and run down its self-sufficiency and its capacity to power up our economy and, in case of a national security crisis, defend itself?

When you look at The Greens' opposition to the oil rigs off the coast, you have to ask about their alternative proposal. Their proposal is to put floating wind farms off the coast of New South Wales, particularly Newcastle. That is The Greens' proposal. The Labor Environment Action Network, Hunter Jobs Alliance and The Greens in

the Hunter Valley all say that when they close down coal they want to have floating windmills off the Newcastle coast—off Bar Beach. In terms of aesthetics and environmental value, there is going to be much less harm from oil rigs than from extensive wind farms floating off the coast of Newcastle. The Greens are replacing what they say is one eyesore and environmental problem with a bigger one—floating windmills.

[A Government member interjected.]

The Hon. MARK LATHAM: Shayne Mallard seems to be a fan of floating windmills. How ridiculous. There is no business plan for this. There is no environmental study. There is no feasibility study. This is back-of-the-envelope or, mostly likely, beer coaster thinking, where you jot down any old thing because it sounds like it is something to do with renewable energy. The Greens are not credible in this space. The House should not wipe away Australia's self-sufficiency in oil. It is critical for a nation like ours. An island State isolated from other nations needs to have a degree of self-sufficiency. The PEP-11 project can be part of it.

It is a well-established fact that with environmental safeguards, oil exploration and drilling can happen in a safe and sound way that builds our economic development, national security and all the things we take for granted as an advanced society. I would much rather that proposal than the floating windmills. We have got to take these ideas seriously when it comes to fossil fuel development. These are the great job providers in the Hunter Valley, not floating windmills and nonsense propositions that nobody has tested or applied a business plan to. We need viable thinking to develop industries like mining and manufacturing and all the areas that rely on fossil fuel development. This project can be a sensible, environmentally safe part of it.

The Hon. TAYLOR MARTIN (17:32): I move:

That the question be amended by omitting paragraph (2) and inserting instead:

(2) That this House opposes the renewal of PEP-11.

The Government supports the amended motion. When it comes to PEP-11 and the application to renew its licence for offshore gas exploration in Commonwealth waters off the New South Wales coast, the Government has already opposed the licence's renewal. Deputy Premier John Barilaro has already written to the Federal Minister for Resources, Water and Northern Australia, Keith Pitt. In many ways, that letter from our Deputy Premier to the Federal Minister renders this motion superfluous and, at the very least, a duplication of a decision already made months after the fact. In part, the Deputy Premier writes in his letter:

I have undertaken a careful review of the application and comments supplied by the National Offshore Petroleum Titles Administrator and my department ... I therefore recommend this application be refused.

It could not be any clearer. Perhaps Ms Abigail Boyd missed all the attendant media coverage on this issue back in February and March, when the Deputy Premier was being congratulated by politicians and community groups from across the political spectrum for his strong and decisive action in relation to PEP-11. I commend Federal and State MPs, particularly my own local members—Federal member Lucy Wicks, MP, and the member for Terrigal Adam Crouch, MP—who attended the Terrigal paddle-out. I suggest that Ms Abigail Boyd seek the support of her Federal colleagues to move a similar motion in the Senate. The New South Wales Government has done what it can. The licence has been granted under Commonwealth legislation. The exploration in this area is in Commonwealth waters. The final determination on the licence renewal rests with the Federal Government.

The position of our Government could not be clearer. While we support the motion, we note that it is months too late. The New South Wales Government opposed the renewal of PEP-11 and the Deputy Premier put that in writing in his letter to Keith Pitt. I finish with the remarks of the Hon. Mark Latham. The Government is focusing on onshore gas production, not offshore—especially not offshore in the middle of the shipping lanes that service the largest coal export terminal. Days ago it was the anniversary of the *Pasha Bulker* running aground in Newcastle in the late 2000s. This Government has taken a stand against PEP-11.

The Hon. PENNY SHARPE (17:35): On behalf of the Opposition, I support the motion and the amendment moved by the Government. It is very clear there is strong opposition to the proposed extension of Advent Energy's Petroleum Exploration Permit known as PEP-11. This is a permit that allows offshore drilling for oil and gas in New South Wales. Labor has opposed this federally and our local members have opposed it locally. The member for Gosford, the member for Wyong and the member for The Entrance are strongly against this project and have been from day dot. Federally, Labor leader Anthony Albanese, Pat Conroy and Emma McBride have also been very public about their opposition. We are all in furious agreement about this—except for the Hon. Mark Latham. This has been an established position across the Parliament. Labor supports the motion and the amendment moved by the Government and we commend both to the House.

Mr JUSTIN FIELD (17:37): I support the motion of Ms Abigail Boyd. It is an absurd notion to anyone living along the New South Wales coast—particularly between Newcastle and Sydney, but also anywhere—to have gas and oil wells off one of the most populated coasts of the country. It is patently absurd. I am glad the

Government will support the motion once it has been amended. There are no real responsibilities here, though the Deputy Premier has chosen to indicate his opposition to the project. I am glad he has done so. That is great. But we should all be concerned about what the Government is doing by seeking to amend the motion. By removing the substance in paragraph (2) about opposing any infrastructure, it will send a signal that if the Federal Government approves the project, the New South Wales Government will not take the steps to kill it off.

It could send that signal to the market, to the operators of PEP-11 and to the community. Offshore drilling is impossible if the Government does not let the onshore infrastructure be built to facilitate and enable that development. The community will be curious about the position the Government has taken tonight and about the way it has articulated its opposition to PEP-11 because the thing it could do, it is choosing not to do. I will not seek to amend the motion to include an additional paragraph (1) (c) (vi) to say that Mr Justin Field also opposes this proposal, but I have opposed it since the moment I held the portfolio as a Greens MP. I have worked with the community over many years and attended many events.

There are significant risks associated with the proposal. I pick up on the points made by the Hon. Mark Latham, who is throwing the fishing industry under the bus. The last time seismic testing was done to try to get this project up and over the line, for three months the fishers reported the most disgusting, foul-smelling stench coming up in their nets because of the destruction of the benthic environment by the seismic testing that was done to facilitate the proposal. The Hon. Mark Latham is not watching; he is ignoring the economic consequences of this sort of project for the community in the Hunter. Far from it being a jobs-rich thing, it is a jobs killer. It is a jobs killer for fishing and tourism. Imagine an oil spill washing up on the beaches of Sydney, Newcastle and the Central Coast. It would be outrageous. We should all stand absolutely in opposition to the proposal and support the motion, preferably in its full form, though I will not stand in the way of the Government's amendment.

Ms ABIGAIL BOYD (17:39): In reply: I thank everyone who spoke in debate on the motion. In relation to the contribution from the Hon. Taylor Martin, yes, The Greens did move a similar motion at Federal level and it was defeated by the Government's Federal colleagues, which comes as no surprise. As Mr Justin Field set out very well, what we have here is all talk. The Government has the power to stop the project ever going ahead by actually prohibiting the onshore construction that would facilitate the project. That company, Advent Energy, clearly thinks that it is within a good shot of being able to do that. If that happens and this Government does not have the guts to stand up to do what is within its power to stop it from happening, its words mean nothing.

I am very disappointed to see the Opposition take the same view, and we see this so often—lots of words of, "We've been paddling out and we've done all this stuff." When it comes to actually doing things to protect our environment, it is just found lacking, which is incredibly disappointing. Of course The Greens do not support the amendment. It is great that Government members want to gut the motion to make it basically what was already agreed, as they say, months ago. I paid attention to that and I was hoping to see some action to follow it up, and it is very disappointing.

The PRESIDENT: Ms Abigail Boyd has moved a motion, to which the Hon. Taylor Martin has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Business of the House

THE HON. JOHN AJAKA VALEDICTORY SPEECH

The PRESIDENT: I recognise the presence of the Hon. John Ajaka, former President of the Legislative Council, in the President's gallery.

The Hon. DAMIEN TUDEHOPE: I move:

That the Hon. John Ajaka, former President of the Legislative Council, be granted leave to be heard at the Bar of the House for the purpose of giving a valedictory speech.

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

Motion agreed to.

Members

THE HON. JOHN AJAKA VALEDICTORY SPEECH

[Attendance of the Hon. John Ajaka at the Bar of the House.]

The PRESIDENT: I advise members that a photographer from the Legislative Council is present in the Chamber. Before calling the Hon. John Ajaka, I welcome into my gallery this evening members of the Hon. John Ajaka's family. They include his wife, Mary Ajaka, daughters Natacha, Chanel, Isabella and Gabrielle, and Chanel's husband, Sal, here for the former President's valedictory speech. I also welcome the many members of the Legislative Assembly, former members, members' staff and staff of the parliamentary departments who are watching these proceedings remotely due to COVID restrictions.

Mr former President, it is a singular honour that has been extended to you today to deliver your valedictory speech from the Bar of the House. I am sure I join with all your former colleagues in saying that it is also a most appropriate honour and reflects the high esteem in which you are held by this House, and all who work here in this building. We look forward to hearing your reflections upon your colourful parliamentary career, your achievements as a Minister, your role as President and your role with the Commonwealth Parliamentary Association. I direct the Usher of the Black Rod to admit the Hon. John Ajaka and conduct him to the lectern at the Bar of the House. I ask all member to extend to Mr Ajaka the usual courtesies during his valedictory speech.

[The Hon. John Ajaka was conducted onto the floor of the Chamber by the Usher of the Black Rod.]

The Hon. JOHN AJAKA (17:44): I acknowledge the traditional custodians of the land and pay my respects to Elders past and present. Honourable members, with the indulgence of this House, I am here this evening to deliver my valedictory speech. Although I am standing a little further away and giving it a little later than expected, I do it with deep gratitude in my heart and an unwavering appreciation of the resilience of our most important institution.

On 20 May 2007 I gave my inaugural speech. We were in Opposition then—how long ago that feels—so I delivered it from this side of the House and, I think, that there is a lovely sense of symmetry that as I leave this place I stand here today on the same side under the stern gaze of the figures of the past and the more forgiving eyes of my friends and colleagues of the present, but with my focus now trained entirely towards the future. After I announced my intention to resign, many of you reached out to me, concerned for my welfare and worried that the prostate cancer I was diagnosed with almost 18 months ago might have returned. But that is not the case. Honourable members, I am pleased to advise that after a range of recent health checks, I am fighting fit and now in complete remission.

All Members: Hear, hear!

The Hon. JOHN AJAKA: There is a lot of life in me yet and so much to accomplish beyond this place, and that is why I am leaving now after 14 wonderful years. In my inaugural speech I noted:

I was the first of our family to be born in Australia—in 1956 at Bulli Hospital. For a little Lebanese kid from Wollongong, the son of immigrants, I felt exceptionally blessed ...

Honourable members, I can say without a second's hesitation, and throughout my life, that feeling has never gone away. I sometimes shake my head at the range of extraordinary opportunities and the experiences I have been given, but I know that one of the greatest of all will be to have served with you in this honourable place as a member of the Legislative Council of the Parliament of New South Wales. When I came into Parliament I said that I wanted to experience "all facets of the Westminster system", but I never imagined just how precise that statement was to be over the next decade and a half. Whether it was as a backbencher, a committee chair, a Parliamentary Secretary, in Opposition and then in Government, as a Minister or as the Deputy Leader of the Government in this place, I felt the weight of the rare privilege I had been given each and every day.

It was an immense honour to have served in Cabinet as the Minister for Disability Services, Ageing, Multiculturalism, Youth, Volunteering and the Illawarra. It was an even greater honour to have been able to introduce both the National Disability Enabling Act and the Disability Inclusion Act to this Parliament—a set of reforms which I truly believe have worked to improve the lives of people with disability in a real and meaningful way; reforms which have moved us another important step closer to a fully inclusive society. But to be elected President of this House, by all members of this place—the Government, Opposition and crossbench—was the most humbling experience of my parliamentary career.

The mark of respect you bestowed on me to be twice entrusted with the responsibility of independently presiding over this Chamber is not lost on me and is something I will never forget. I took my oath, as President, to respect the independence of the House, because I have always maintained the deepest and most profound respect for our democratic institutions. A lot of us get elected to Parliament to take up the battle of ideas in the political arena and, no matter where you sit on the political spectrum, that is a noble and important calling. But once I was elected President some four years ago I knew that part was no longer mine to play; that my role was to protect, defend and advocate for the institution itself. That was the task that I devoted myself to each and every day since and they are the achievements I look back on with the most pride.

I am proud of the reforms to the Chamber that were achieved during the Aboriginal Languages Bill allowing non-members to speak in this place, to speak in a language other than English and to receive and then make the Aboriginal message stick a permanent part of the fabric of the Legislative Council.

All members: Hear, hear!

The Hon. JOHN AJAKA: I am proud of the new procedures that have been enacted for parents with young children during divisions and for procedural fairness for witnesses. I am proud of the rulings for the new sessional orders, including direct relevance of answers, supplementary questions and my favourite, take-note debate. I am proud of making serious progress towards an independent funding model for the Parliament and to have secured significant additional resources to support the work of the Legislative Council committees. I believe that they are critical in providing an unfiltered channel of information from the community and for highlighting, often in a bipartisan way, potential pathways for reform. I am proud of all the work undertaken to make this Parliament more accessible to people with disability, including accessible ramps, toilets, change rooms and meeting rooms.

I am proud to have led delegations to our twinned Parliaments of the Solomon Islands and Bougainville, of hosting major international conferences here and of being elected as Vice Chairperson of the Commonwealth Parliamentary Association. I am incredibly proud of all of those things, but the members of the House should be too because none of them were achieved in isolation. Every one of these achievements occurred because of the input, the dedication and the support of every member of this place. I have observed firsthand the exceptional advice and support provided by our parliamentary staff to all members, no matter who they are and no matter what party they are from.

Perhaps that is an appropriate segue to the most important message I would like to leave you with today. I have reflected very seriously about what I wanted to say in this speech. How do you sum up a decade and a half observing this Chamber? How can you distil all the words, the debates, the bills, the fights and the points of order down to something meaningful and important? Well, let me try by saying it this way: I have always seen the duty of the presidency as being, firstly, to protect the Chair, secondly, to protect the Chamber and thirdly, to protect every member equally without fear or favour. I hope that honourable members are of the view that, at the very least, in this I have succeeded. In this Chamber every member is as important as every other member. They have an equal right to be here and they have an equal contribution to make. But I believe with that right comes a responsibility.

Every one of us in this place has a responsibility: firstly, to treat each other with respect and decency; secondly, to think twice before launching into a personal attack on another member rather than simply focusing on the issue at hand; and, thirdly, to understand that the conventions of parliament and the standards of behaviour that have evolved over generations have done so for a reason. The *Bible* instructs us to "Do unto others as you would have them do unto you." Two thousand years later, whether or not you are a believer, I implore you to keep those words at the forefront of your mind when dealing with each other as you continue on your political journey. But tonight, my journey finally comes to an end.

I have been blessed with so many great friends, colleagues and influences in my life. I would love to express my gratitude to everyone who has made a meaningful contribution to my time in Parliament, but if I did so I fear we would be here until the hard adjournment—and, of course, there is that continuing fear of accidentally omitting someone. So I will just say these few sincere words of thanks and appreciation. I thank the Liberal Party of Australia, in particular the New South Wales division, my colleagues in this place both past and present and the Liberal Party members across New South Wales for the remarkable opportunity and honour they afforded me to be a member of the Legislative Council of New South Wales since 2007. I thank all honourable members I have worked with from the Government, Opposition and crossbench, who have done their job with passion and commitment and many of whom have become friends for life.

I have had the good fortune to work with some outstanding political and ministerial staff who shared my passion for reform. I thank them for their tireless dedication to making this Parliament and this State a better place. I thank the staff of the Parliament, every one of them, for their hard work, their decency and their commitment to protecting this institution each and every day. Finally, let me return once again to my inaugural speech where I stated:

The strongest mainstay in my life has been, without a doubt, my wonderful family. Without them, the edifice of my soul and my sanity would have crumbled long ago. With me, they have carried my hope and my concern. They have thrilled in my success and comforted in my failure. And throughout it all they have loved me without question and without reserve.

As much as that was true prior to me entering this place, it has become so much more during my last 14 years here.

To my beautiful wife, Mary Ajaka, 23 years ago you agreed to marry me. Many are still surprised to this very day. Eighteen years ago you encouraged and assisted my election to Rockdale council. Fourteen years ago you encouraged and assisted my election to this Parliament. You have been my partner on this amazing journey from day one. Any achievement of mine is a direct result of your equal contribution, commitment, support and love. Words are never enough, so I will try to say just three: I love you. To my six beautiful daughters, Natacha Ajaka, Chanel Urbano, Holly Cattrall, Maddy Cattrall, Isabella Ajaka and Gabrielle Ajaka—it is easier to call them one, two, three, four, five and six than to try to remember each of their names—I am so proud of each and every one of you, for the incredible individuals you have become and I know you will continue to be. I also thank my son-in-law Salvatore Urbano of whom I am incredibly proud as a new manager at PwC, my grandson, John Urbano, and my beautiful granddaughter, Violet Urbano, who was named after my late mother.

I close by saying this. We are so fortunate to belong to this great State of New South Wales and this incredible nation of Australia—a land of diversity, of democracy and of mateship. As members of Parliament, we are bestowed with the great privilege of serving freedom and democracy in defence of humanity and mankind and we do so in this most esteemed and oldest Parliament in Australia. In my inaugural speech I stated:

Tonight I stand at the beginning of another journey in my life—an exciting journey into the unknown. I hope to travel that path with diligence and integrity, passion and belief, and to always bear my sword against the twin evils of prejudice and injustice.

I now stand here to end that journey and to commence a new one with my beloved Mary and my family by my side. In this new journey, outside these walls, I intend to travel with the same diligence, integrity, passion and belief. In 1789 Benjamin Franklin coined the term, "In this world nothing is certain but death and taxes." I formed the view that as far as honourable members are concerned, in this world nothing is certain but death, taxes and former members. And it is now time for me to become one of their number. It is with heartfelt thanks that I say goodbye.

Members and officers of the House stood in their places and applauded.

The Hon. TREVOR KHAN (18:00): By leave: Mr President and members can be assured that my remarks will be brief. What I have attempted to remember most have been my common communications with John over the 14 years that he and I have been in this place. Just today I have come up with the following: "John, no-one can eat that much", "No, John, that's a bad idea", "Thanks John, one block of ice will do", "John, do you really think that's a good idea?", and finally, particularly whilst you have been President, "I really don't agree with that decision, John".

As members can see, our relationship has been one of equals but, most importantly, it has been one of friendship. That friendship started on the Sharks home ground at Cronulla when all Coalition candidates met prior to the 2007 general election. There I was standing on the oval with John on one side and Marie Ficarra on the other. No-one will be surprised that I gravitated towards John and not Marie. There was no looking back after that day. It was the start of a friendship that has continued to today and has included events such as the two of us being founding members of the Tuesday Club, which has been prepared to meet on any night of the week.

As many others in this Chamber have experienced, John is a man who spreads his arms wide. It does not matter about your politics, if you treat him with kindness and respect, those qualities are returned tenfold. It is John who has always been there during times of frustration and disappointment. As other members also have experienced, John has been someone whom you can rely upon. His kindness is without measure. He has a generosity of spirit that is a rarity in life, let alone in politics. John is one of the few people with whom a friendship outlasts our time in politics. I thank him for being part of my life.

I conclude by noting, on behalf of myself and so many of John's friends in this Chamber, that John is one of those few who has seamlessly transitioned from his life in politics to the next phase of his life. It speaks volumes of his many qualities. We wish you, John and Mary, every success. Now free from politics, I am sure your lives together will be enriched. Best wishes, John.

The Hon. PENNY SHARPE (18:03): By leave: I have many things I want to say but I will be brief. When members sit on this side of the Chamber, as former President Ajaka has experienced, all we really ask for is a fair Chair who will protect the Chair, the Chamber and the members of this place. On behalf of the Opposition, I say that you carried out your role with great aplomb, terrific humour, gentle kindness and sternness when necessary—and I apologise for my interjections.

I also want to acknowledge particularly the work of this Chamber. The Hon. Adam Searle had a great deal to do with this as well, as did many of the crossbench. We have seen unprecedented reform of the way in which the House operates. As has been said previously, it is groundbreaking reform that I am sure other Chambers around the country will look at. Again, former President Ajaka, you did it with such good humour and you set in place a decency in the way we conduct business in this place, which we on this side of the Chamber value very much.

On behalf of the people who work in this building, I want to make a couple of comments. People do not realise that the job of the President and of the Speaker is an incredibly logistical task in managing a very complex building. There are hundreds of staff and thousands of visitors. It is essentially a living museum and an events centre, as well as the House of democracy. It is a pretty difficult gig. I want to again acknowledge the work and the reform that happened in the time you were the President to upgrade this place.

I particularly focus on the public access issue and your commitment to make this the most accessible building in New South Wales. As you know, the member for Gosford and I had some views about it—and we might have made a few videos—but we acknowledge the changes that have been made to the building to make it truly accessible for all. A lot of it has occurred as result of the work you did as a Minister and your genuine commitment to this issue. It is very noteworthy. We have finally got the ramp in the Speaker's Garden and I know the back of Parliament House is being fixed. I want to acknowledge your personal commitment to that issue. This should be the most accessible building in the State, and we are getting there.

I want to make two more points. The first is on policy. Most people would think you and I would disagree on many things. I think we found that we agreed on much more than we thought we were going to. I want to acknowledge the very difficult issues that you stood up for in conscience vote scenarios where there was a lot of personal pressure on you. You have been a real champion. I think on many of the issues people would expect me to push some were surprised by your position. Your heart and courage in the face of pressure should be acknowledged, and I do that. Finally, I say thank you to my kind, supportive and generous friend. We will miss you.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (18:07): By leave: On behalf of Government members, I would like to add my support to the sentiments expressed by the Hon. Penny Sharpe and the Hon. Trevor Khan, two people who, perhaps along with me, know former President Ajaka extremely well. I still remember the day when the former President walked into my office when I was the Government Whip. One of his key backers had said to me, "When you come into this place, you may find it difficult to find friends and to find people who will keep your back. I suggest that you go and see him". And that person was kind enough to name me. The interesting thing is that the experience of John Ajaka was quite the opposite. He found friends everywhere he went because he is such a genuine person, a person of integrity and a person who ultimately loved this House a great deal.

As John so eloquently described in his speech, he found it such an incredible honour to be here, let alone to achieve what he did, including leading the Liberal members in this place and serving in the Chair, which he did with such distinction. John, after a wonderful innings, it is now time for you to retire from the crease. You have started a new game well and truly, but one game you will always play well is as a wonderful husband and a wonderful father. On behalf of all Government members, I wish you the very best for the future.

Mr DAVID SHOEBRIDGE (18:09): By leave: I will make a brief contribution on behalf of The Greens. John, we will miss you. Indeed, there was a period when we were missing you a lot. I acknowledge as a member of The Greens and from the position of the crossbench that this place is often seen as a barney between the two major parties. You said in your valedictory speech that you recognised every member had an equal right to be in this Chamber and to contribute. In my experience as a member of the crossbench you lived up to that in spades during the time you were President. It was something I always appreciated about you, which I feel came from your deep belief in the traditions of the House and your belief in the democracy that sent us all here in one form or another. I particularly acknowledge the leadership that you showed as we transitioned midway through your career as President to a quite different Chamber from what it had been.

I supported you twice to be the President of this Chamber and, apart from the occasional ruling on a point of order, I never once regretted it. I saw you as a President who was decent, focused on the best interests of the House and not some narrow partisan point, and who did the job with fundamental humanity, good humour and kindness. When you thought that we had stepped out of bounds, as we did from time to time, you brought us back with that sense of decency, kindness and principle. One could not ask for more from a President. I thank you on behalf of The Greens for your work as President and for guiding this Chamber to a far better place than where you found it. I commend you for that. Thank you, John.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:11): By leave: I will not delay the House any longer. I thank you, John, for being here tonight.

The PRESIDENT: Before the dinner break, I inform members that John will be having dinner in the Strangers Dining Room. Please drop by and say hello; it is his shout. He has told me that he has spent all the whiskey. John, we salute you. The warmth and the sincerity of everyone who has spoken tonight, and those who share the same views, is tantamount to the honour with which you are held. Thank you for your wonderful service as President. It has been an honour for us all.

To suit the convenience of the House I shall now leave the chair. The House will resume at 7.45 p.m.

Bills

BETTER REGULATION LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2021

First Reading

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

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

The PRESIDENT: The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

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 an order of the day for the next sitting day.

Motion agreed to.

Documents

WESTMEAD PRIMARY SCHOOL

Return to Order

The CLERK: According to the resolution of the House of 12 May 2021, I table documents relating to an order for papers regarding the proposed new school in Westmead, received this day from the Secretary and 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 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.

TALLAWONG PRIMARY SCHOOL

Return to Order

The CLERK: According to the resolution of the House of 12 May 2021, I table documents relating to a new Tallawong Primary School, 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.

THE HON. GLADYS BEREJIKLIAN AND EMAILS

Correspondence

The CLERK: According to the resolution of the House of 12 May 2021, I table correspondence relating to an order for papers regarding emails from the Premier, received this day from the Secretary of the Department of Premier and Cabinet, stating that the relevant offices and departments hold no documents covered by the terms of the resolution and lawfully required to be provided are held.

BANKSIA MENTAL HEALTH UNIT**Return to Order**

The CLERK: According to the resolution of the House of 12 May 2021, I table documents relating to a new Banksia Mental Health Unit at the Tamworth Hospital, 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.

WATER MODELLING**Return to Order**

The CLERK: According to the resolution of the House of 5 May 2021, I table additional documents relating to water modelling, received this day from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received 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.

*Motions***REGIONAL YOUTH ORCHESTRA NSW**

The Hon. BEN FRANKLIN: I move:

That private members' business item No. 1234 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. BEN FRANKLIN (19:47): I move:

- (1) That this House:
 - (a) acknowledges that the Regional Youth Orchestra NSW is an audition-based orchestra for talented students aged 11-17 from New South Wales regional conservatoriums;
 - (b) notes that the Regional Youth Orchestra was established in 2016 and provides students the opportunity to learn from leading conductors, orchestras and artists around the world; and
 - (c) notes that from 30 May to 3 June 2021, 39 students from the Regional Youth Orchestra NSW came to Sydney to:
 - (i) collaborate with the Australian World Orchestra [AWO] as part of the AWO Education Program;
 - (ii) rehearse with the Sydney Symphony Orchestra at Sydney Town Hall;
 - (iii) continue the Regional Youth Orchestra NSW rehearsal program at Lewisham Public School, hosted by the Department of Education Arts Unit; and
 - (iv) perform Brahms' *Hungarian Dance No 6* with the AWO at Sydney's City Recital Hall.
- (2) That this House:
 - (a) congratulates all the students selected as members of this year's Regional Youth Orchestra NSW including six students from the Northern Rivers Conservatorium:
 - (i) Mitsuki Burgener;
 - (ii) Nika Feldshtein;
 - (iii) Maia Moore;
 - (iv) April O'Reilly;
 - (v) Olive O'Reilly; and
 - (vi) Raquel van Merwyk.
 - (b) recognises the outstanding efforts of the Association of NSW Regional Conservatoriums in forging partnerships with leading music organisations to provide exceptional experiences for regional students.

In New South Wales there are 17 regional conservatoriums. Each is committed to inspiring a lifelong passion for music education and enriching the lives of students living in regional communities. Situated across the north,

south and west of the State, the conservatoriums are the key providers of high-quality music education and ensure that talented students living in the bush or on the coast can pursue excellence in music. It is estimated that each year 30,000 people benefit from music education delivered by regional conservatoriums, which includes students in schools without specialist music teachers as well as community groups, outreach programs and direct enrolments. But even more exciting is that each year approximately 40 of the State's most talented performers in regional New South Wales conservatoriums aged 11 to 17 are selected from auditions to be members of the Regional Youth Orchestra.

The Regional Youth Orchestra, or RYO, is a body that selects the best and most talented musicians from conservatoriums across regional New South Wales to meet, play and perform with one another as well as with national and world-renowned conductors, orchestras and artists. Last week these 39 incredibly talented students were in Sydney for an outstanding music and performance experience prepared by Patrick Brennan from the Central Coast Conservatorium. I congratulate each and every one of them on their selection in the RYO, which is a significant and substantial achievement to be lauded. As Parliamentary Secretary for the arts and a proud resident of regional New South Wales, I am certainly delighted by their achievements and the achievements of the Association of NSW Regional Conservatoriums in offering this opportunity. And what an opportunity it was for those 39 talented students.

With activities beginning on Monday 31 May, it was a full week of programing with rehearsals, performances and talks with some of Australia's most respected musicians, including the Australian World Orchestra [AWO] and the Sydney Symphony Orchestra [SSO]. The AWO has been collaborating and supporting the Regional Youth Orchestra since its inception in 2016 and this year has continued this proud tradition. RYO students met with expert musicians from the AWO for tutorials; to engage in a question and answer session with AWO's composer-in-residence, Paul Dean; and to watch the AWO in rehearsals as well as rehearse with the orchestra themselves ahead of their joint performance at the end of the week. The students also had the opportunity to rehearse on the Sydney Town Hall stage as guests of the Sydney Symphony Orchestra. That is a prestigious honour for any orchestral performer and I have no doubt that it is something these students will remember for a lifetime.

They also listened to a talk with Sydney Symphony Orchestra's conductor Ben Northey, received feedback from other symphony musicians and attended the orchestra's concert in the evening. In between sessions with the AWO and the SSO, the RYO also continued its own rehearsal program at Lewisham Public School, which was hosted by the Department of Education's arts unit. The week concluded with the RYO performing Brahms' *Hungarian Dance No 6* with the Australian World Orchestra at Sydney's City Recital Hall, conducted superbly by Alexander Briger. Although I am devastated not to have been able to be present myself, from all accounts it was an exceptional performance.

I am proud to say that six of the students in the RYO are from the Northern Rivers Conservatorium, led by inimitable and magnificent Anita Bellman. They are Mitsuki Burgener, Nika Feldshtein, Maia Moore, April O'Reilly, Olive O'Reilly and Raquel van Merwyk. Each student is remarkably talented and has shown exceptional musicianship and dedication to have been selected as part of only 39 students across the State to perform in the RYO. I am told they all had a wonderful time and they particularly enjoyed the great food! These students, along with their RYO peers, are showcasing the best of regional talent in New South Wales. I sincerely thank the Association of NSW Regional Conservatoriums for making this possible. Their advocacy ensures that bright, young and talented students are able to experience and engage in world-class music experiences that typically would be available only to those who live in major cities.

I applaud and commend the members of the Association of NSW Regional Conservatoriums for their determination and collaborative efforts with musical bodies across the globe to offer unparalleled opportunities for students. They are ensuring that talent and recognition is not based on geography and that proximity to the Opera House does not determine access to high quality music education. I am delighted with all that the Regional Youth Orchestra has been able to achieve. I commend this motion to the House.

The Hon. DANIEL MOOKHEY (19:52): The Labor Opposition also acknowledges the outstanding achievements of the Regional Youth Orchestra NSW as well as all those who have been selected to be a part of it. The Opposition has fulsome support for music education across this State. I also believe that a person's ability to access advanced musical education should not turn whatsoever on where a person lives. On a personal level my wife was a member of regional orchestras back in the day, but not in the form in which they currently exist. Back then, they did not exist. She was a drummer who learnt to drum in Armidale. She participated in a variety of youth orchestras. She even made an appearance at the Sydney Olympics opening ceremony as an 18-year-old drummer—one of thousands of people from regional New South Wales who had the opportunity to perform in that magnificent ceremony. It is pleasing that in the years since she left high school lots of other children and teenagers have had the opportunity to also participate in musical education across New South Wales.

Behind every budding musician—be it a person in the regions or elsewhere—is a rather exasperated family who has had to listen to them practise time and again. Musical education is not ever one thing that one person acquires for themselves but is really a community investment in that particular performer's career. We should acknowledge all the parents and carers of all youth musicians throughout the State for their admirable sacrifices that they have made along the way. I have no musical talent; it is a skill that I have never had.

The Hon. Sarah Mitchell: So you married up.

The Hon. DANIEL MOOKHEY: I acknowledge the interjection. Once upon a time I was capable of playing the recorder—poorly and badly. When I realised that my career in musical education was going nowhere, I thought, "How can I productively spend my time?"

The Hon. Shayne Mallard: Unions.

The Hon. DANIEL MOOKHEY: Politics is what I came up with, but I acknowledge that interjection as well because it is not too dissimilar. That is my way of saying to people who are members or who are participating or auditioning for membership of the Regional Youth Orchestra: Do your hardest, go your best and if it fails, run for the Legislative Council.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (19:56): I am so pleased as arts Minister to lend my support to this excellent motion moved by the Parliamentary Secretary for Energy and the Arts, the Hon. Ben Franklin. The Regional Youth Orchestra is an audition-based youth orchestra for talented students from the network of New South Wales regional conservatoria, providing vital opportunities for regional youth to hone their talents and practise their craft in their regional communities. The many very good youth orchestras, which feed into the Regional Youth Orchestra, provide vital opportunities for young musicians to learn from leading conductors and extend their orchestral experience through performance and professional development activities.

I am so glad that we have had this opportunity to focus on how important youth orchestras are for the whole music ecosystem. I am also glad that the theme of the contributions of the mover and the Hon. Daniel Mookhey has been how important cultural equity is. My credo as the arts Minister is that every person interested in any form of art and culture, wherever they live in New South Wales, must have the opportunity to participate. The Government proudly supports the Sydney Youth Orchestras, which has been the cradle for so many great musicians in Australia—people like Richard Tognetti. Honestly, support for regional conservatoria, support for the youth orchestras and indeed the Regional Youth Orchestra is incredibly important.

The New South Wales Government supports a number of the Regional Youth Orchestra's project partners, including the Opera Australia Orchestra and the Sydney Symphony Orchestra with whom they work closely. Fortunately for me, unlike the Hon. Ben Franklin, I had the pleasure of hearing Brahms' *Hungarian Dance No. 6* performed by the Regional Youth Orchestra at the City Recital Hall last week. It was a very uplifting piece. I had the pleasure of congratulating Patrick Brennan, the director of my local conservatoria on the Central Coast, for bringing together the Regional Youth Orchestra. Patrick has done a superb job for years. I am pleased that the Australian World Orchestra, which received a \$35,000 grant to support its work, was largely responsible for the excellent program last week. I am delighted it was able to take place. I have heard them perform at Artstate in 2017 in Lismore and 2018 in Bathurst, and they were fantastic. I completely endorse the motion and I congratulate the member for moving it.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (19:59): I make a brief contribution in support of the motion moved by the Hon. Ben Franklin. I acknowledge the opportunities that students who are part of the Regional Youth Orchestra have had. As Minister for Education and Early Childhood Learning, and a regional person, I know how important it is to make sure that students in country communities particularly get the opportunity to access incredible experiences like the Regional Youth Orchestra. Hearing the Hon. Ben Franklin talk about all of the different activities that the students from the youth orchestra were involved in is heartwarming. It is great to know that students get to have that opportunity. I acknowledge the Department of Education arts unit; it does a wonderful job. It is busy preparing for the *Schools Spectacular*, which is going to be on again this year. That is very exciting. It is another showcase of the talent in public schools, particularly regional students who will have the opportunity to be part of that.

Members would be well aware that I have spoken about my girls going to our local conservatorium. The Hon. Daniel Mookhey mentioned parents having to deal with their children learning how to do things. My eldest daughter Annabelle has singing and piano lessons on Saturdays. I could probably give a full rendition of *Annie* because that is what she is learning at the moment. She has great opportunities. Last year she was able to be in *Snugglypot and Cuddlepip* and other different things that the conservatorium puts on. Without the conservatorium in town our kids would miss out on that opportunity.

My youngest daughter Matilda goes to preschool music on a Friday, which is the highlight of her week; she just loves it. As a parent, I love that my kids have that opportunity to love music from an early age. It has a lot of educational benefits for them because there is a lot of correlation between music education and other learning. Anything that we do to support students from regional areas to have those music education opportunities is a very good thing. I thank the Hon. Ben Franklin for moving the motion and I wholeheartedly support it.

The Hon. BEN FRANKLIN (20:01): In reply: I thank all members for their contributions. It does not surprise me that the Hon. Daniel Mookhey's musical talent is zero because he has so much talent in many other areas. He cannot be talented in everything. I also thank, acknowledge and honour the arts Minister. He spoke of cultural equity, and anyone who saw me in full flight at the end of today's take-note debate would know that cultural equity is something that I am absolutely passionate about. All members in this House take it seriously. It was only a minor incursion today, but we need to continue to focus on it to make sure that there is cultural equity across the city and the country.

Finally, I thank the Minister who is responsible for conservatoriums, education Minister Sarah Mitchell, who has been a passionate supporter of cultural and creative arts rolling out across the school system in New South Wales. I thank her for her contribution. I am delighted to hear that she is well attuned to every word of Annabelle's latest production in *Annie*. For regional arts and culture, regional orchestras and regional musicians the sun will certainly be coming out tomorrow.

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

Motion agreed to.

Documents

LIMEBURNERS CREEK DAM AND UPPER CHICHESTER DAM

Production of Documents: Order

Mr JUSTIN FIELD: I move:

That private members' business item No. 1239 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr JUSTIN FIELD (20:04): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2020 in the possession, custody or control of the Minister for Water, Property and Housing or the Hunter Water Corporation relating to the proposed Limeburners Creek Dam and Upper Chichester Dam:

- (a) all documents relating to the proposed Limeburners Creek Dam and Upper Chichester Dam;
- (b) all documents relating to the biodiversity stewardship agreements or biodiversity offsets for Limeburners Creek Dam;
- (c) all documents relating to the "portfolio survey" conducted between 20 November 2020 and 12 January 2021; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The House supported my previous call for papers last year to look at the options being considered as part of a review of the lower Hunter water plan. Water planning in the Hunter has been controversial, particularly since the decision to walk away from the Tillegra Dam quite some time ago. The community has always encouraged the Government to look at options for water security that do not involve new dams. They are always controversial, as we know. The truth is that there is a concern that the options for desalination and water efficiency have not been adequately considered. This Standing Order 52 request seeks to update the information available to the community and to look at the available papers about the two dam options that continue to be progressed against the wish of the community.

Paragraph (b) seeks to look at documents relating to biodiversity offsets and stewardship agreements that are being considered as part of those dam proposals. That is an area of substantial koala habitat. Paragraph (c) seeks documents relating to the community survey—called the portfolio survey—which was conducted towards the end of last year and early this year. I think it is important that we have a good look at the background documents because on my initial reading there seems to be a slight misrepresentation of the data in all of the portfolio options being considered, to the point that it justifies the Government keeping the dam options in the picture. The scale of various graphs in the community survey outcomes report has changed so that it looks like the level of support for dam options is greater than it would otherwise be if the graphs and charts were of the same dimensions that they were for the other options.

Maybe I am a cynic, but that only occurred in the options related to dams. It has raised more concerns in the Hunter community and they are wondering whether their wish for investments in future water security and the development of the lower Hunter water strategy are being heard. I ask members to support the motion. It is genuinely about ensuring that we achieve the best outcome for the Hunter. The water plan will guide significant investment in water security for the region over decades to come. It is important that we get that investment right. We get it right by ensuring that there is transparency around government processes. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:07): The Government opposes the motion. The Lower Hunter Water Security Plan, first adopted by the Government in 2014, ensures that we have long-term water security for the lower Hunter region, which is the State's largest regional economy. The review complements the Greater Hunter Regional Water Strategy and recommends appropriate infrastructure and management responses to address the impacts of growth and climate variability in the lower Hunter. The Government is investigating a range of supply and demand options to meet the long-term water needs of the Lower Hunter region, including water conservation, recycling, stormwater harvesting, desalination, groundwater, increased regional water sharing, dams and purified recycled drinking water.

An additional online community survey was open through late 2020 and early 2021, seeking community preferences on a range of preliminary options and understanding how they trade off the various objectives within the plan. The results show the lower Hunter community is open to all options to secure our water future, including dams. When all options are on the table for consideration, that includes dams. No decisions have been made, apart from a continued focus on water conservation behaviours and reducing system leakage. The two dam investigation areas were selected following an extensive shortlisting process, which considered thousands of potential dam sites across the Hunter and Central Coast regions. This is a considered process, with community consultation built in. I encourage members to peruse the Standing Order 52 request that was ordered from Hunter Water on this topic last year. With thousands of pages returned, there is more than enough detail to satisfy anyone's curiosity.

The Hon. PENNY SHARPE (20:08): Labor supports the Standing Order 52 request for the same reason that we have supported other Standing Order 52 requests. We believe it is important to have some oversight of the decision-making and the documents associated with that. We support the motion.

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

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. MARK LATHAM: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. MARK LATHAM: I move:

That:

- (1) Item 22, standing in the name of Mr Latham relating to an order for papers regarding the Sydney Science Park proposal, be called on as item 17.
- (2) Item 17, standing in the name of Mr Latham relating to the commencement of mandatory blood testing, be postponed to the next sitting day.

Motion agreed to.

Documents

SYDNEY SCIENCE PARK

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 1148 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (20:11): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 March 2011 in the possession, custody or control of the Minister for Planning and Public Spaces; the Minister for Jobs, Investment, Tourism and Western Sydney; the Minister for Health and Medical Research; the Minister for Education and Early Childhood Learning; the Minister for Transport and Roads; the Minister for Local Government; the Minister for Water, Property and Housing; the Department of Planning, Industry and Environment; Transport for NSW; Sydney Trains; Sydney Metro; Department of Communities and Justice; Department of Education; or the Ministry of Health relating to the Sydney Science Park proposal:

- (a) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the Government's decision to approve a development application to rezone Celestino land on Luddenham Road, Luddenham land in the Sydney Science Park Planning Proposal submitted in support of an amendment to the Penrith Local Environmental Plan;
- (b) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to developer contributions for the Sydney Science Park proposal;
- (c) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the proposed and approved rail routes and corridors in the Sydney Science Park proposal area and surrounding areas;
- (d) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the proposed and approved metro station locations in the Sydney Science Park proposal area;
- (e) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the Premier's announcement on 15 March 2017 regarding the first school in New South Wales fully devoted to science, technology, engineering and mathematics education planned to open in 2021 at the proposed Sydney Science Park;
- (f) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the former Minister for Education, the Hon. Rob Stokes', MP, announcement on 27 July 2017 regarding a partnership agreement signed between Celestino, the developer of the proposed Sydney Science Park, and Westmead precinct's seven health, education and research organisations, including proposed public or private hospital developments in the Sydney Science Park precinct;
- (g) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the announcement by Celestino on 28 March 2019 to create an 'Autonomous Vehicle Hub' in the proposed Sydney Science Park;
- (h) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the announcement by the Minister for Water, Property and Housing on 17 December 2020 that Sydney Water will accelerate plans to provide stages water, waste water and recycled water services to support the proposed Sydney Science Park development timeframes;
- (i) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to Developer Contribution exemptions, and consideration of any Special (State) Infrastructure Contribution plans for the proposed Sydney Science Park;
- (j) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the decision to fast track the Northern Gateway precinct, ahead of other precincts such as Dwyer Road, Kemps Creek, North Luddenham and Rossmore;
- (k) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to consideration of a new public hospital in the Western Sydney Aerotropolis precinct, including in the Sydney Science Park proposal area;
- (l) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to the exemption granted to the proposed Sydney Science Park from the Aerotropolis Development Control Plan, Phase 1 in 2020;
- (m) all documents, including correspondence, electronic communication transacting government business, briefing notes applications, approvals, feasibility studies, and negotiations, relating to consideration of requests from Celestino's proposed Sydney Science Park for variations to its approved building height limits, residential housing capacity and floor space restrictions;
- (n) all documents, including correspondence, electronic communication transacting government business, briefing notes, applications, approvals, feasibility studies, and negotiations, relating to consideration of Celestino's unsolicited proposal for a land swap deal involving the Luddenham metro station site; and
- (o) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a matter that speaks for itself. It was explored extensively in budget estimates hearings. Landowners right around the aerotropolis are wondering how the Sydney Science Park got the rails run. There were so many favours—the early rezoning, the rail route, the rail station and a galaxy of Minister's who paraded out there with deals on health, transport, water and everything else under the sun. We need explanations from the Government. We need to explore those documents to see why favouritism was given to the Celestino group ahead of smaller,

less politically connected landowners, particularly those around Orchard Hills, who have been done over. I urge the House to support the motion.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:12): The Government does not oppose the motion.

The Hon. PENNY SHARPE (20:12): The Opposition supports the motion.

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

Motion agreed to.

Motions

TRANSPORT HERITAGE NSW

The Hon. LOU AMATO: I move:

That private members' business item No. 1218 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. LOU AMATO (20:14): I move:

- (1) That this House notes the:
 - (a) exemplary work of Transport Heritage NSW for their ongoing commitment to maintaining New South Wales' illustrious rail history;
 - (b) efforts of Transport Heritage NSW in the full restoration of Australia's most famous steam locomotive, the 3801; and
 - (c) much awaited commencement of the laying of track to reopen the 34-kilometre single track Picton to Colo loop line established during the 1860s, but has not been in use for 44 years.
- (2) That this House acknowledges the:
 - (a) dedicated work of Transport Heritage NSW and all those who volunteer their services to keep New South Wales' rail heritage alive;
 - (b) work of Nathaniel Smith, member for Wollondilly, who has championed the reopening of the loop line and worked hard to make New South Wales the steam train capital of Australia; and
 - (c) tourism opportunities the loop line will bring to the Southern Highlands, benefitting many small business operators and the community as a whole. The 3801 is a C38 class aerodynamically streamlined 4-6-2 steam locomotive manufactured in Australia by an Australian manufacturer, Clyde Engineering. Built in 1942 the 3801 is Australia's most famous steam locomotive, holding the title of visiting all mainland States and Territories. The 3801 has undergone complete restoration works. It returned to active service on 13 March 2021. The 3801 is housed at Transport Heritage NSW's railway museum at Thirlmere and is again taking passengers through the breathtaking countryside of the Southern Highlands and beyond. Thanks to the dedication of Transport Heritage NSW and all those who volunteer their services, the opportunity to take a trip back in time awaits all romantics and lovers of steam.

There is a certain romance associated with the steam era. Travelling on a steam locomotive fills the senses. You can hear the sound of steam powering the driving wheels in rhythmic motion with visual puffs of smoke rocketing from the chimney. The haunting musical chime of the whistle never fails to invoke inner feelings of joy and wonder. The smell of steam cylinder oil and burning coal permeates the air, adding to the sensory experience. The romance of steam has captured the hearts of many. Grown men spend hours hiding away in their garages building miniature towns, forests and mountain ranges ready to lay track for their model steam trains. New South Wales is extremely fortunate to have such a colourful history of steam travel.

To this day New South Wales, due to its sheer size and the large distances between towns, is reliant on world-class rail services. The reliance on rail resulted in Australia becoming one of the greatest builders of steam locomotives in the world. Preserving our wonderful rail history is important as the growth and survival of the New South Wales economy demanded nothing short of the best rail services technology could provide. Our steam train heritage reminds us of a time when Australians could still make things, and the things we made represented the very best engineering and quality of manufacture surpassed by none. Prior to the election of the Fifty-Seventh Parliament of New South Wales, Liberal candidate for Wollondilly Nathaniel Smith had a dream to make New South Wales the steam train capital of Australia. Nathaniel worked hard to secure funding for the reopening of the 34-kilometre single-track Picton to Colo loop line established during the 1860s. This was no easy task as the line had not been in use for over 44 years and the track had fallen into disrepair.

The bushfires of 2019-20 did further damage to the disused infrastructure of the loop line, adding a further hurdle to opening the line again. The rebuilding of the loop line would indeed take the beautiful Southern Highlands one step closer to being the steam train capital of Australia. However, the refurbishment of 34 kilometres of track and reopening disused railway stations seemed cost-prohibitive. Transport Heritage NSW worked in collaboration with Nathaniel Smith, member for Wollondilly, and found a solution. Disused rail track was removed from the Junee to Griffith line and unloaded at Buxton. Railway engineers saved the disused track from being discarded as scrap metal by repurposing it for the Picton to Colo loop line. The disused track is to be expertly laid and welded to ensure maximum safety and reduce wear on our heritage trains.

The dream of the Picton to Colo loop line is now a reality. The loop line will open up the beauty of the Southern Highlands for those wishing to take a trip back in time on board beautifully preserved steam trains, travelling through the Hill Top cutting. The cutting through Big Hill was for many years the deepest in Australia. To this day an inscription dated 1863 commemorates the two men who died in an explosion during the excavation of the cutting north of Hill Top. The cutting is considered to be the oldest railway cutting in Australia. The expected increase in tourism will not only benefit small businesses in the area but also keep the memory of a past era alive and increase our resolve to preserve it for many generations to come.

The Hon. JOHN GRAHAM (20:18): I thank the Hon. Lou Amato for moving this outstanding motion. I anticipate the greatest outbreak of bipartisanship across the Chamber due to the nature of the issue, and I am glad that the Chamber can recognise it at this time. The member has well outlined the 3801 and its journey over a long period of time. It has been a very exciting year for that project, and the relaunch at Sydney Central Station on Friday 12 March 2021 was an exciting moment. On behalf of the Opposition, I also recognise the important work that Transport Heritage NSW does right across New South Wales, both with its rail heritage assets—the most important of which are, of course, the NSW Rail Museum and the Valley Heights Locomotive Depot Heritage Museum—and the events it holds across New South Wales.

The member has talked about one of the key sites at Thirlmere, but right across the State—at South Eveleigh, Chullora, Broadmeadow, Finley railyard, Cooma, Tenterfield, Wagga—volunteers are working on important transport projects and keeping alive the love for our heritage transport. I recognise a couple of very active members of Transport Heritage NSW. Alex Claassens is a very active member of the Transport Heritage NSW organisation. I am also pleased to see Howard Collins on the board. I recognise his work as a very important public servant for New South Wales but I am also pleased to see him being active in this organisation. I thank the member for bringing the matter before the House and I join him in congratulating Transport Heritage NSW.

The Hon. SHAYNE MALLARD (20:20): I speak in debate on the motion moved by the Hon. Lou Amato and thank him for bringing it to the attention of the House. The Hon. John Graham is right in saying that we have strong bipartisanship in this Chamber in our respect for our rail history and heritage. I commend the exemplary work of Transport Heritage NSW and its ongoing commitment to maintaining the renowned New South Wales rail history. In my short contribution I make particular mention of the Blue Mountains line and specifically Mount Victoria.

In 2018 the Great Western Rail to Mount Victoria celebrated the 150th anniversary of the official opening of the railway station at Mount Victoria in 1868. At the time I was very excited to join the official party and we travelled by steam locomotive to the anniversary celebrations. I travelled with Lieutenant-Governor Tom Bathurst, who we regularly hear from in the mornings in his capacity as Acting Governor. I believe—and some steam locomotive expert who is watching or listening will probably correct me—I was on the Garratt 6029 steam train, which used to transport the Governor around the State, not the 3081. We went to Mount Victoria to make speeches to celebrate the anniversary.

Let me just say that I could sense the excitement all the way along the western line from Central, Redfern, Strathfield, Parramatta, all the way through Penrith and up the Blue Mountains. At every possible location along those tracks were cars with their front or utes with their back facing towards the train line, and families in those cars or on the back of those utes were cheering and waving at the steam train. It was just extraordinary. I had never seen such community joy. It obviously had been advertised that the train was coming through. It just shows how much people love their rail heritage.

The Berejiklian Government is investing over \$2.3 billion in new interurban trains and has spent a significant amount of money—hundreds of millions of dollars—upgrading the Blue Mountains line to take the trains that service the Illawarra and Newcastle lines. I was told by the head of the railways that the minute the replacement trains are in operation, the 1980s V class trains that currently service the Blue Mountains, which have a much-loved heritage, will be railed off into the museum. Those trains that the commuters in the Blue Mountains have put up with for 30 or 40 years will go straight into heritage museums at Chullora and elsewhere. That just shows how much time we get out of our trains and our infrastructure and how much things are changing under this Government. The event at Mount Victoria was amazing, and the community really came out in period

costumes and in spirited excitement about the history of their station. The station was one of the major steam train hubs of the State in its day. It really was a worthwhile event and I was pleased to be part of it.

The Hon. LOU AMATO (20:24): In reply: I thank the Hon. John Graham and the Hon. Shayne Mallard for their contributions to the debate. My father's first job after migrating to Australia was working as a maintenance fitter at the Chullora Railway Workshops. Some of my family are still manufacturing items for the railways today, after 60-plus years. We are blessed to have an impressive history of rail in New South Wales. We are thankful for the great work of Heritage Transport NSW in ensuring that our rail history is not just preserved in books but can also be experienced in the now with fully maintained and operational machines. I hope to see everyone soon on board the 3801 for a trip through the beautiful Southern Highlands, the jewel of New South Wales.

The Hon. Shayne Mallard: Or the mountains.

The Hon. LOU AMATO: Or the mountains.

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

Motion agreed to.

JUSTICE ADVOCACY SERVICE AND COGNITIVE IMPAIRMENT DIVERSION PROGRAM

The Hon. PENNY SHARPE: I move:

That private members' business item No. 1173 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PENNY SHARPE (20:26): I seek leave to amend private members' business item 1173 outside the order of precedence for today of which I have given notice as follows:

- (1) Omitting paragraphs (1) (c) and (1) (d).
- (2) Omitting paragraph (2) (b) and inserting instead:
 - (b) 66 per cent of participants in the CIDP received a diversion order.
- (3) Omitting paragraph (2) (d) and inserting instead:
 - (d) on 3 June 2021 the Government announced four years of funding to continue the Justice Advocacy Service and introduce a court-based diversion program for people with intellectual disability and cognitive impairment to be run out of the Downing Centre, as well as Parramatta, Blacktown, Penrith, Gosford and Lismore local courts.
- (4) Omitting paragraph (3) and inserting instead:
 - (3) That this House acknowledges:
 - (a) the Justice Matters campaign, which was run by the NSW Council for Intellectual Disability, the Intellectual Disability Rights Service, the Justice Reform Initiative, and the First Peoples Disability Network Australia; and
 - (b) that the Justice Matters campaign fought for a fair go in the justice system for people with cognitive disability and was instrumental in securing this important funding.

Leave granted.

The Hon. PENNY SHARPE: Accordingly, I move:

- (1) That this House notes that:
 - (a) the Justice Advocacy Service [JAS] is run by the Intellectual Disability Rights Service in New South Wales;
 - (b) the JAS provides support for people with cognitive impairment in contact with the criminal justice system, including as victims, witnesses, suspects and defendants; and
 - (c) people with cognitive impairment and intellectual disability are over-represented in the criminal justice system, including as victims of crime.
- (2) That this House further notes that:
 - (a) the Cognitive Impairment Diversion Program [CIDP] was defunded by the New South Wales Government on 30 June 2020;
 - (b) 66 per cent of participants in the CIDP received a diversion order;
 - (c) the CIDP also assisted participants to access \$2.5 million worth of NDIS supports; and
 - (d) on 3 June 2021 the Government announced four years of funding to continue the Justice Advocacy Service and introduce a court-based diversion program for people with intellectual disability and cognitive impairment to be run out of the Downing Centre, as well as Parramatta, Blacktown, Penrith, Gosford and Lismore local courts.
- (3) That this House acknowledges:

- (a) the Justice Matters campaign, which was run by the NSW Council for Intellectual Disability, the Intellectual Disability Rights Service, the Justice Reform Initiative, and the First Peoples Disability Network Australia; and
- (b) that the Justice Matters campaign fought for a fair go in the justice system for people with cognitive disability and was instrumental in securing this important funding.

I moved this motion a couple of weeks ago on the basis that funding was due to run out for the Justice Advocacy Service, following the previous defunding of the Cognitive Impairment Diversion Program [CIDP] that ran out of money last year. I congratulate the Government on its commitment. The Government has noted that it is going to provide funding over the next four years of \$28 million to run this service.

The Justice Advocacy Service provides support to people with cognitive impairment who are in contact with the criminal justice system. It is not just for people who have been arrested and are defendants or suspects. It also includes victims and witnesses. The service provides one-on-one support for people with cognitive impairment or intellectual disability so they can participate and fully understand what is happening in our criminal justice system. It is a very important program. The Cognitive Impairment Diversion Program was originally running just out of two courts and ran out of funding. It is a really important service that genuinely means that we have a more inclusive criminal justice system so that people who find themselves caught up in it—no matter where they come from—can fully participate and understand what is happening to them.

An incredibly important campaign has been run by several disability groups, and I wanted to amend the motion tonight to acknowledge the work that those groups have done. The Justice Matters campaign was run by the NSW Council for Intellectual Disability, the Intellectual Disability Rights Service, the Justice Reform Initiative and the First Peoples Disability Network Australia. They fought for the Justice Advocacy Service to continue and they also fought to reinstate the funding for CIDP. I put on record how much that meant in relation to this program. An open letter was provided to the Attorney General and to the Premier. People with cognitive impairment and intellectual disability are over-represented in our criminal justice system. We know from all of the evidence that if we actually target support to people with this range of disabilities it can have a major positive effect on the way that they experience the criminal justice system. It also actually keeps them out of jail.

Currently, there are people in jail who really should not be there. They have an undiagnosed disability or a lack of understanding in relation to any criminal behaviour they may have participated in. Frankly, they are left alone in a service and that is just unfair. This is the one of main programs that will fix this. The CIDP was about keeping people out of jail. It started in October 2017 and, as I said, it was previously operating out of Gosford and Penrith local courts. It had two goals: to divert people away from the criminal justice system and, most importantly, to connect people with the NDIS. The independent evaluation found that it achieved an 87 per cent diversion rate in the first 12 months and helped many participants access the NDIS for the first time. Over 25 per cent of CIDP clients were Aboriginal or Torres Strait Islander.

The Justice Advocacy Service has been run by the Intellectual Disability Service since July 2019. It was a pilot program that has literally helped thousands of people. It provides training for justice agency staff in working with people with cognitive impairment. It is staffed by justice advocates and volunteers and is a 24-hour service. I cannot overstate how important this service has been, and I welcome the Government's commitment to continuing the funding for it. If we want a truly just criminal justice system and if we want to ensure that people with a disability are kept out of jail, then these are the programs that actually work. I look forward to their rollout over the next few years. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:33): Of course the Government will be supporting the amended motion because it actually acknowledges something positive that the Government has done. That is a nice change on private members' day. It also gives me an opportunity to highlight the New South Wales Government's commitment to improving outcomes for people with cognitive impairment who come into contact with the criminal justice system. Recently, the Attorney General and the Minister for Families, Communities and Disability Services announced that over the next four years the Government will invest \$28 million to continue the statewide Justice Advocacy Service and establish court-based diversion services at six of New South Wales' busiest local courts. That investment will ensure that people with a cognitive impairment will continue to receive support across the criminal justice system. Critically, it will also boost community safety across New South Wales.

Established in July 2019, the Justice Advocacy Service has supported more than 2,500 victims, witnesses, suspects and defendants to understand their legal rights and fully participate in their interactions with police, legal representatives and the courts. More than one-third of those it has supported are Aboriginal or Torres Strait Islander. The Justice Advocacy Service is an extension of the government-funded Criminal Justice Support Network, which has operated since 2004 and is delivered by the Intellectual Disability Rights Service. In February this year the New South Wales Government received an independent and overwhelmingly positive evaluation of the Justice Advocacy Service with the finding that it is supporting thousands of people to exercise their rights,

boosting access to justice and ensuring that more people comply with the orders of police and courts. The Government has heeded the advice of the evaluation and is delighted to be committing an additional four years of funding to support this critical service.

The Government is also leading the nation through its investment in a new court-based diversion service. This initiative will be an extension of the Justice Advocacy Service and will be delivered at the Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore local courts. Under this model, the existing Justice Advocacy Service will intervene early and support people with a cognitive impairment from their first point of contact with the criminal justice system. It will then refer defendants accused of low-level offences to targeted case coordination, which will help divert them away from the criminal justice system and into treatment and support. The evidence on this is clear. Diverting low-level offenders with cognitive impairment to treatment and to support services helps them turn their lives around and reduces the risk of them offending again. It is best for the individual and it is best for community safety.

Court-based caseworkers will be appointed to screen and assess defendants, arrange neuropsychological assessments, develop support plans, link with the National Disability Insurance Scheme, engage with other services and prepare court reports to support diversion applications. How the court diversion service operates will be informed by best practice and by the outcomes of the independent evaluation of the Cognitive Impairment Diversion Program pilot. Together these services will provide holistic, end-to-end support for people with cognitive impairment from their first point of contact with police to the resolution of their court matter.

Mr DAVID SHOEBRIDGE (20:37): On behalf of The Greens, I indicate our support for the motion, including as amended. The Greens put on the record our support for the entire campaign. The Justice Matters campaign was a collaborative campaign run by the New South Wales Council for Intellectual Disability, the Intellectual Disability Rights Service, the Justice Reform Initiative and the First Peoples Disability Network Australia. They know the importance of advocacy for people with a disability in the criminal justice system and the difference it makes. Their campaign was centred on and fronted by their clients—the people they work with, people with a disability, who told their story and spoke of the importance of that service. I will read a couple of comments from some of the clients who had the benefit of the service and who would have been completely lost in the criminal justice system without it. Justen said:

I am an Aboriginal man. My childhood abuse led to my having seizures and brain mis-functions. I couldn't think. I've trouble thinking because that was the damage that was done to me ...

He also said:

I was homeless and I started to get fines for sleeping on trains. I was never able to pay my fines and it escalated to a big issue where I was getting locked up for fines.

Justen had a pathway out of that because of the advocacy given to him through the service. Taylor said:

I suffer from autism and I struggle with reading and writing. It affects me pretty much every day—my anxiety does. My autism can be pretty bad some days.

She said:

I was hanging around with the wrong crowd, doing drugs, illegal things. I didn't really know right from wrong. I was incarcerated once for 3 months.

Her only pathway out of that was for people to help her and give her guidance through the Justice Advocacy Service. Geoffrey said:

I fell off a roof and I was left with brain damage. I also have ADD, suicidal ideation and chronic depression. I'm an Aboriginal man.

He also said:

I was falsely arrested at aged 15. From then on it was a rollercoaster. I was always fearful of police, terrified every time they approached. This led to me resenting them and to getting arrested quite often.

How do these people navigate the criminal justice system without the help of the Justice Advocacy Service and without advocates who understand where they are coming from and can be their voice? They not just replicate their voice but have their voice heard and their proper story told in the court. I commend all of them for their work. They never let go because they know how important their work is. I want to note the work of two people from the New South Wales Council for Intellectual Disability: Rochelle Porteous and David Briggs. I know they put their heart and soul into this matter, including when Rochelle had some very serious personal medical issues. They never stopped fighting because they knew what their clients needed. I am grateful to finally see that campaign finish with support from the Government. I thank the Leader of the Opposition in this place for bringing this motion.

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

Motion agreed to.

Bills

LAW ENFORCEMENT CONDUCT COMMISSION AMENDMENT (COMMISSIONERS) BILL 2021

Returned

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I report receipt of a message from the Legislative Assembly returning the bill without amendment.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of the Hon. John Graham: I move:

That private members business item No. 1069 outside the order of precedence be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Cate Faehrmann: I move:

That private members business item No. 1222 outside the order of precedence be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. John Graham: I move:

That private members business item No. 1212 outside the order of precedence be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Emma Hurst: I move:

That private members business item No. 891 outside the order of precedence be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Courtney Houssos: I move:

That private members business item No. 952 outside the order of precedence be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of Ms Abigail Boyd: I move:

That private members business item No. 1238 outside the order of precedence be postponed until a later hour.

Motion agreed to.

Documents

NORTH SYDNEY COUNCIL PUBLIC INQUIRY

Production of Documents: Order

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1009 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (20:42): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment or the Minister for Local Government relating to the public inquiry into North Sydney Council:

- (a) the following documents referred to in the schedule of the decision by the NSW Civil and Administrative Tribunal on *Beregi v Department of Planning, Industry and Environment* [2019] NSWCATAD 253:
 - (i) 15a - A488616 - code of conduct matters referred by Council;
 - (ii) 15t - Attachment Q - File Note of observations of meeting October 2013;
 - (iii) 15ze - Attachment ZB - File Note of observations of meeting 20 July 2015;
 - (iv) 15zh - Attachment ZE - File note of observations of meeting 17 August 2015;
 - (v) 15zi - Attachment ZF - File note of observations of meeting 16 November 2015;

- (vi) 15zk - Attachment ZH - Notes of meeting with North Sydney Council staff - 7 July 2014;
- (vii) 15zm - Attachment ZK - Framework For Managing Councillor Misconduct Allegations February 2013;
- (viii) 19 - North Sydney - Councillor Gibson - Misconduct - investigation - DS (qA45100) (and investigation file attached);
- (ix) 23 - RE: further submissions (and investigation file attached);
- (x) 26 - Response to Commissioner Howard;
- (xi) 29 - A515260 - North Sydney: PI - Sear (OLG) - Complaint statistics - 16-09-16;
- (xii) A489896 - OLG - North Sydney - Request for - additional information - conduct investigation - submission.pdf;
- (xiii) A489896 - Attachment A - Approval to conduct an investigation - Terms of .Reference.pdf;
- (xiv) A489896 - Attachment B - Submission to commence misconduct investigation.PDF;
- (xv) A489896 - Attachment C Submission outlining assessment of matter 1.PDF;
- (xvi) A489896 - Attachment D - Letter to Council regarding matter 1.PDF;
- (xvii) A429679 - OLG - North Sydney - options following PIO - CE comment;
- (xviii) A429679 - OLG - North Sydney - Submission on options following PIO - LB;
- (xix) Attachment 3 - Report of Mr Kirby on Conflict resolution process outcome;
- (xx) Attachment 5 - Meeting observations - 20 July 2015;
- (xxi) Attachment 6 - Meeting observations - 17 August 2015;
- (xxii) A438693 - OLG - North Sydney - Sub for PI and Suspension 17 September 2015;
- (xxiii) A438717 - North Sydney - Final submission recommending Public Inquiry and Suspension;
- (xxiv) A393380 - North Sydney Intervention Summary - one page table - Sept 2014;
- (xxv) A454407 - North Sydney - Public Inquiry - Attachment A - Events leading to PIO;
- (xxvi) A441798 - OLG - North Sydney - Revised Final Submission to Minister on Public Inquiry January 2016 - SUB;
- (xxvii) Enclosure 1 - A438717 - OLG - North Sydney - submission - December 2015; and
- (xxviii) A452077 - North Sydney - Options for further intervention - December 2015;
- (b) the record of a phone conversation between Tim Hurst and the Mayor of North Sydney, as attached to an email entitled "RE: North Sydney Mayor" sent by Tim Hurst to Tony Day on 2 August 2016; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion seeks the production of a series of documents under Standing Order 52 that were provided to the public inquiry into North Sydney Council. There was a lot of brouhaha in 2016 and a lot of concerns about the dysfunction of North Sydney Council. At the same time a parallel investigation was being carried out by the Office of Local Government. In response to the concerns about the dysfunction, involving the mayor and councillors at North Sydney Council, the Government decided to hold a public inquiry under the Local Government Act. After 17 days of hearings we waited more than eight months for the report, and it ended up largely with a slap on the wrist of the mayor and a minority of councillors at North Sydney Council.

One of the councillors who was caught up in this, and who was seeking to get the truth out in the inquiry, was Councillor MaryAnn Beregi. She sought the release of all the documents during the inquiry and afterwards through the New South Wales Civil and Administrative Tribunal [NCAT] that the Office of Local Government [OLG] had given to the public inquiry. This was a public inquiry where documents were meant to be on the public record. They were not provided throughout the public inquiry. So, she commenced proceedings in the NCAT to find out what documents the Office of Local Government and team Hurst had given the public inquiry that led to the slap on the wrist findings. This was at huge public expense, including 17 days of hearing with heaven knows how many hundreds of thousands or millions of dollars spent.

For 3½ years the councillors who were seeking to get the truth out have been fighting to get the documents from the Office of Local Government. The Office of Local Government has refused and the Minister will not intervene. They went down to NCAT and NCAT said, "No". There is an exclusion under the Government Information (Public Access) Act for excluded information because this material apparently related to the investigative and complaint-handling function of the OLG. What we know is that, yes, there was the investigative complaint-handling of the OLG, which was initially a parallel process with the public inquiry, but then all of those documents were handed over to the public inquiry.

You either have a public inquiry or you do not. In this case a public inquiry costing heaven knows how many millions of dollars of public money led to these derisory findings and a slap on the wrist for appalling behaviour occurring in the North Sydney Council at the time. These councillors and the community of North Sydney finally want to know the truth, what role the Office of Local Government played and what information it gave to the public inquiry. Is that the reason why the final result was so pathetic following 17 days of hearing? These documents should have been provided in the public hearing to the public. They should have been provided transparently for the councillors who have now been requesting them for 3½ years. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:46): The Government opposes the motion. The Government is committed to upholding the highest standards of conduct, integrity and ethics in the State's local government sector. Investigative functions conferred upon the Office of Local Government within the Department of Planning, Industry and Environment are a key mechanism for ensuring this integrity. Importantly for this motion before the House, the Parliament has also legislated, as part of our system for the administration of justice, an oversight mechanism which is administered by the New South Wales Civil and Administrative Tribunal [NCAT].

The Government's response to the inquiry by the Legislative Council Standing Committee on Law and Justice into opportunities to consolidate tribunals in New South Wales confirmed that NCAT was being established to improve the quality of tribunal services in New South Wales, including by enhancing accessibility, improving efficiency, and increasing the accountability, transparency and quality of decision-making. The guiding principles contained in the Civil Procedure Act 2005 are also applicable to tribunal proceedings. Section 56 (1) of the Civil Procedure Act states that the overriding purpose of the Act and the rules of court is to facilitate the just, quick and cheap resolution of the real issues in the dispute or proceedings. This principle is applied by NCAT in the conduct of its proceedings.

I raise these matters because, as I am sure members of the House are aware and as the motion points out, the matter of access to the documents sought by the motion was fully ventilated in NCAT, including in its review panel jurisdiction. It was NCAT that determined not to grant access and that decision was upheld by the review panel. On the face of this motion the member seeks to go behind that decision in order to disturb a decision made by the tribunal. The Legislative Council should not lend itself to an action calculated to circumvent not only the statutory protections afforded to the vital work of an agency, as determined by NCAT, but also the very decisions of NCAT.

If information is provided in answer to this call and it is made public then the decision of this House will detrimentally affect not only the ability of the Office of Local Government to conduct its affairs, but it will also detrimentally affect the administration of justice in the State of New South Wales. This type of call not only impairs the administration of justice in this matter, it also impairs the administration of justice into the future. The Government has every confidence in NCAT and that when it makes its decisions it properly takes into account the competing interests of the parties. NCAT decisions should not be disturbed by resort to this type of procedural motion. This motion will do nothing but jeopardise the ability of the Office of Local Government to perform its vital oversight role into the future. That is why the Government will be opposing this motion.

The Hon. JOHN GRAHAM (20:49): I indicate on behalf of the Opposition that it will support this motion. The Minister has put in strong terms the advice that I presume is from the Office of Local Government. The Opposition is willing to talk further privately if those concerns, which have been put very strongly, are ongoing issues. Based on previous advice received from the Office of Local Government, we prefer the view of Mr David Shoebridge on this occasion. Having said that, I indicate that the Opposition will support the motion.

Mr DAVID SHOEBRIDGE (20:49): In reply: It is hard to take at face value the arguments of the Government that it cares about the integrity of local government or that the Office of Local Government cares about the integrity of local government when it has failed to commence an investigation into councillors such as Con Hindi and Vince Badalati. They both acknowledge and agree that they travelled overseas on a jaunt paid for by property developers and then came back and voted on that development and up-sized it. It is admitted and yet there was no investigation. It is hard to believe that this Government or the Office of Local Government cares about the integrity of local government when they still allow a notorious and admitted property developer, the Liberal mayor of Strathfield—despite his admission of lying five times about not being a property developer in the last week—to continue as a councillor. They have preselected him as a Liberal councillor for Strathfield.

The Hon. Shayne Mallard: We have not done our preselection.

Mr DAVID SHOEBRIDGE: He is still a member of the party. I withdraw that. They have left him in the party. They have not preselected him yet; he is just in the mix for preselection.

The Hon. Trevor Khan: Point of order: Apart from it being late at night, this is straying well and truly from the motion before the House.

Mr DAVID SHOEBRIDGE: I accept that. I will now try to recast my thoughts. There I was in Strathfield with the mayor and property developers—and I will now have to go back to this motion! The argument that this would somehow tear down the walls of the integrity of the investigation by the Office of Local Government is putting it a little high. I am not entirely impressed by the empire of the Office of Local Government and the thoroughness with which it undertakes investigations. It is hard to see how you can compromise something that is not happening. In any event, this is not about reviewing an NCAT decision. It is about properly using the powers of the House to find the truth about what was given to an entirely separate public inquiry. There never was a merits assessment by NCAT about whether this information should be released. It was simply excluded information and once it was excluded information it did not matter what value it had. There was no assessment of the public interest, it was just excluded and not released. The House should shine a light on this. I commend the motion to the House.

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

The House divided.

Ayes18
Noes14
Majority.....4

AYES

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

Graham
Hurst
Jackson
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Secord
Sharpe
Shoebridge
Veitch

NOES

Cusack
Fang
Farlow
Faraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Poulos
Taylor
Tudehope

PAIRS

Houssos
Searle

Amato
Ward

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

TRIBUTE TO BOB FULTON

The Hon. NATASHA MACLAREN-JONES (21:04): Tonight I remember the lifetime of achievements of rugby league Immortal, Bob Fulton, AM, a man who all Australian sports fans celebrate for his unparalleled career. Bob Fulton was an incredible influence on rugby league, recognised as not only one of the greatest footballers of the twentieth century but also an exceptional coach and commentator. Signed by Manly from Wollongong Wests in 1966, his career as a player continued to 1979, playing 428 first-grade games and scoring 259 tries.

Fulton's remarkable, unorthodox skills combined with his ambition to succeed solidified him as a tenacious competitor who could singlehandedly determine the outcome of a game. This was seen time and time again when

his skill was integral in winning not only countless games but also premierships titles. Fulton won premierships with Manly in 1972 and 1973, as well as when he was captain of the Sea Eagles in 1976. Fulton played 35 tests for the Kangaroos from 1968 to 1978, winning both Ashes series and World Cups where he achieved his highest honours as a player, captaining Australia against New Zealand and leading the 1978 Kangaroos to Ashes success.

As a rugby league Immortal, and one of the very first to be recognised at this elite status, his success is immeasurable. His outstanding ability and determination were celebrated as a player and were mirrored in his time as a coach when he steered his Manly team to premiership titles in 1987 and 1996, and coached the Australian team from 1989 to 1998. The following year he resigned as Manly coach after six seasons leading his team. He was then named the Australian test coach.

Under his strong leadership, Australia's international wins continued with World Cup wins in 1992 and 1995. At the end of the 1997 season he resigned as Australian test coach and retired from coaching two years later as the most experienced coach in premiership history, leaving behind his beloved Sea Eagles team. As the only person to captain and coach in the team's history and undoubtedly one of the team's all-time greats, the Sea Eagles chairman and owner, Scott Penn, spoke out following the sad news of his passing, saying that he will forever be in Bob's debt for his passion and determination to make the Sea Eagles the best in the league.

Bob Fulton was a trailblazer who transcended generations. Someone I know recently said that on the day of his birth his grandmother gifted him a teddy bear. His grandmother, a dedicated fan, named the bear Bob after Bob Fulton in the hope that her grandson would follow in Fulton's remarkable footsteps and one day be a player for the Sea Eagles. To this day, decades on, the gifted bear is still a prized possession. Although her grandson could have certainly channelled her aspirations and succeeded as a top player for Manly, instead he made another great choice, and we thank Todd for his work in becoming a top player for the Liberal Party.

Fans young and old have come together on social media to celebrate Bob Fulton's life and make promises to take better care of their health after hearing of his passing. Sadly last year he was diagnosed with prostate cancer, which then returned this year and spread to his lungs. After hearing the sad news of Bob's passing, fans generated conversations on social media platforms surrounding the importance for men to get their prostate checked, as well as people publicly sharing stories about their own trying battles with the rigorous cancer. Only last year we saw the power of igniting this important conversation when the Hon. Taylor Martin brought forward a motion regarding Prostate Cancer Awareness Month.

We saw firsthand in the House how necessary discussions like these are, not only to raise awareness of how awful the disease really is but also to highlight the importance of regular check-ups and other preventative measures to reduce the risk. As we approach Men's Health Week next week, I urge all men listening to take care and book in for a check-up with their doctor as a preventative measure to decrease the risk of this horrible disease. Bob will always be remembered as someone who inspired and will be looked up to by fans and players alike. His unique skill not only as a player but also in his leadership as a captain and coach undoubtedly enriched the game over four decades. Lastly, I send my deepest condolences to his family: his wife, Anne, his sons, Scott and Brett, and his daughter, Kristie. Farewell to Bob, a trailblazer, sporting icon and role model for many.

SYDNEY BURIAL PLOTS SHORTAGE

The Hon. TARA MORIARTY (21:09): Earlier this year a statutory review into New South Wales cemeteries revealed some worrying information about the fate and state of the cemeteries sector in New South Wales. *The 11th Hour - Solving Sydney's Cemetery Crisis* report found that Sydney cemeteries are running out of burial space, with some set to close within three years and that all will be closed in 12 years. The report acknowledged that cemeteries will be full much earlier than initially thought. The *Metropolitan Sydney Cemetery Capacity Report*, conducted in 2018, modelled that New South Wales cemeteries would be full by 2051. This issue is made more difficult by unaffordable interment costs. A review of the cost and pricing of interment shows that New South Wales experiences some of the highest prices when it comes to burying a loved one. Interment costs in Sydney range from \$6,000 to \$20,000. That is far more expensive than Melbourne, where the average costs are between \$2,620 and \$9,385, or in Brisbane, where prices range between \$3,707 and \$6,170.

To resolve the problems affecting the cemeteries sector the report made 42 recommendations, including that the Government act to acquire land for new cemeteries, strengthen the industry regulator to enforce pricing transparency and accountability, and support the future of the sector through consolidation. Cemetery trust operators and faith groups have waited months in the dark for a response from the Government about what its response and plan would be. The answer they got in recent weeks was that they would no longer play a role in the future operation of cemeteries in New South Wales. The Government unilaterally decided to take responsibility for managing cemeteries and to do so without consultation with the sector, religious groups or the community. This would see religious groups, including Christians, Muslims, Jews and others, likely taken out of the decision-making process for interment across New South Wales. The proposal would see trusts such as the

Catholic Metropolitan Cemeteries Trust unable to continue to manage its work that it says is a fundamental part of its mission and a responsibility it has held for more than 150 years in New South Wales.

To make matters worse, the New South Wales Government has put nothing on the table to resolve the major problems outlined in the report that have been well known for a long time. It has not outlined a plan to deal with the shortage of space and there is no plan to fix the extraordinary expense of interment that burdens so many grieving families. In fact, in recent times new land that had already been acquired and approved for new cemeteries in western New South Wales was blocked or attempted to be blocked via the Government taking legal action, which is continuing. The approved sites are nonetheless still approved. Given the state of the lack of space it is shocking that the Government would take legal action to stop already approved space from going ahead. These actions look like another move to privatise an essential service in New South Wales. It is very concerning for the community. In recent weeks this has been a significant matter of public debate and people are paying close attention to what is happening.

Managing death and interment is a personal matter and is often sacred to the beliefs of many religions and people of faith. In these most difficult times, families need to know that they will be treated fairly and that their religious beliefs are respected so that they are able to provide a dignified burial or whatever they choose to do for a loved one, and that once that is done, it is done in perpetuity. The very idea that once a decision in this area is made and a loved one is buried or cremated that they could be disturbed at any point is abhorrent. I note comments last night and today from the Government indicating that it will reconsider some of the recent decisions made in this space. That is welcome. I hope the Government takes a better approach to the handling of this matter.

The forced amalgamation of trusts is a step too far. The plan offered by the Government to date is not going to cut it. It is crucial that we get this right. We need a plan that respects the views of all people of faith, values religious organisations, supports community groups and cemetery trusts, and includes a conversation with the community. I know this matter is not an easy one for people to talk about but it is a conversation that we need to have as a community. I hope that the recent decision by the Government to go back to the table and engage with groups, particularly religious groups, but generally with the community in this discussion ensures that New South Wales undertakes a much better decision-making process for cemeteries in New South Wales.

MANYANA

FRANK BAXTER JUVENILE JUSTICE CENTRE

Mr DAVID SHOEBRIDGE (21:14): I speak about another proposed subdivision that threatens the small South Coast town of Manyana, which the local community is again resisting vigorously, creatively and passionately. The 2019-20 Black Summer fires smashed the forests around Manyana, with 95 per cent of the surrounding Conjola National Park burned. I visited those forests after the fires. I have never been in forests so eerily quiet and devoid of insects, reptiles, birds and marsupials. There was utter silence. After the fires, the surviving green places around Manyana became more precious than ever, but yet another one of those is now facing the bulldozer. The proposed North Manyana subdivision is currently a forest with coastal swamp oak forest and Illawarra and South Coast lowland forest and woodland. Those are endangered ecological communities.

The Manyana community cannot accept this proposal, which would see almost half of the lowland forest in the area bulldozed. It is an important habitat for the endangered swift parrot and regent honeyeater, which are migratory birds that rely on the forest as a place to refuel during their long migration of thousands of kilometres. The forest is also home to the rufous fantail, the satin flycatcher, the endangered spotted-tailed quoll and tiny eastern pygmy possums. The community of Manyana has fought for the past 12 months or more to stop another 20-hectare development from going ahead near their town. There have been repeated attempts to bulldoze the North Manyana land since the early 1980s, but they have never been approved due to the clear environmental damage that they would cause.

Now that the environmental value of the land has risen so significantly after the fires, it is utterly untenable to destroy it. These are arks and oases where native wildlife can repopulate the surrounding forest. The proponents' own documentation details at length the impact that it would have on threatened ecological communities and native flora and fauna species. They have accepted that it had to go to the Federal Government as a controlled action under the Environment Protection and Biodiversity Conservation Act. Put simply, the proposal cannot be allowed to go ahead. I stand with the local community and those around the State who are calling on the Federal environment Minister, Sussan Ley, not to approve this proposed action, to acknowledge the critical environmental values of this land and to work with the New South Wales Government so that the entire land can be set aside for protection.

A report released by the New South Wales Ombudsman this week raised oppressive practices within the Frank Baxter Juvenile Justice Centre in 2019. Three young men had climbed onto the roof of the centre and

refused to come down. When they did come down, they were all subjected to a full naked body strip search in full view of CCTV cameras at the centre. This is despite the fact that in recognition of the particular vulnerabilities of young people, strip searches are not permitted in youth prisons. The searches were done by Security Operations Group officers loaned from an adult prison who can exercise those powers on young people when they are in prisons. That creates a legal loophole for strip searches of children in prisons even though there is recognition in the law that children should not be subject to brutal searches like this.

The Ombudsman's report identified that the searches were not justified. The boys had not left the centre and there was little to no risk of them having anything on their person that posed a substantial risk. The New South Wales Ombudsman, Paul Miller, said that young people in detention should never be subject to such kinds of strip searches but, of course, it is going to take a change in the law to fix it. In the meantime, brutality against young people in prisons will continue. We know that oversight in prisons happens only sporadically, often with answers coming years after the event, like in this case. That is not accountability. In 2016 we found out about children being locked alone in jail cells for 23 hours a day in the Chisolm wing of the Cobham Juvenile Justice Centre. Those kids had only one hour of so-called recreation time where they could walk around by themselves in a caged area wearing handcuffs.

The then corrections Minister David Elliott told Parliament that "there is no provision or practice of isolation of young people in custody" despite that happening on his watch in Cobham. The unit was eventually closed, but we know that certain prison officers are trying to restart it. In the first quarter of 2021 there were 203 young people in prisons in New South Wales, with 128 of them not being convicted of any offence and still awaiting trial. Most of those young people will not be given a custodial but they still experience the disruption of prison and the threats to their wellbeing because they are refused bail, often for basic reasons related to their disadvantage and their need for support. It is time that we started working to get kids out of jail, to raise the age and to stop dealing with kids as criminals. We must instead look at how to lift them up.

HUNTER REGION HEALTH SERVICES

The Hon. TAYLOR MARTIN (21:19): I speak on two major announcements made by the Berejiklian Government recently regarding the health of people in the Hunter. While the vaccine rollout is currently underway across New South Wales, we cannot be complacent. We urge those aged 50 and over to book their vaccines now. Additionally, those aged 40 to 49 can register their interest online and in the Service NSW app to receive the vaccine. Getting vaccinated in the Hunter will become even easier next month when the State's second vaccination hub will open in Belmont, in the northern part of Lake Macquarie. It will be at the former Bunnings warehouse on the Pacific Highway. Over the next six weeks around 150 people will work on converting the site, which will have the capacity to administer up to 20,000 doses of the Pfizer and AstraZeneca vaccines per week.

As members know, the existing mass vaccination centre at Homebush Bay has been incredibly successful, with more than 5,000 people getting their vaccines there each day. That model will be replicated at the Hunter mass vaccination hub, meaning that we can quickly and safely vaccinate as many people as possible across New South Wales. The facility will employ up to 100 nurses, 25 pharmacists or pharmacy technicians plus around 200 other support staff. The community response in the Hunter has helped the public health teams and the Government to navigate the COVID-19 pandemic successfully. The Minister for Health and Medical Research has advised that more than half a million people to date have had a COVID-19 test in the Hunter in the past 15 months, so we are confident that the community will be very supportive of the effort to vaccinate everyone in the region.

I know that some members in this place have already had their vaccination. I am looking forward to doing the same when a vaccination is made available to me. As a Government we have two priorities: jobs and jabs. Jobs are at the heart of our plan to keep the New South Wales economy strong. That is why we are investing in more roads, rail, schools and hospitals through our \$107 billion infrastructure pipeline, and supporting local businesses through the Dine & Discover vouchers. One of those infrastructure projects in the pipeline is the new seven-storey, \$780 million John Hunter and John Hunter Children's hospitals clinical tower, which is set to transform health care for our region.

Recently the Minister unveiled the completed designs of the acute services building, which will deliver a broad range of services as the centrepiece of the John Hunter Health and Innovation Precinct. The gold standard health precinct will not only significantly enhance capacity for clinical care and collaboration between the health, research and education sectors but also be a key driver of economic growth in the region. I have also seen the excellent facilities at the redeveloped Gosford Hospital, and I know that the same cutting-edge technology will be implemented at the redeveloped John Hunter Hospital, which will allow its frontline staff to continue to deliver world-class health care to Novocastrians. The designs put the patient front and centre, with large windows for more natural light and plenty of green spaces and quiet zones to make the hospital stay as comfortable as possible. Work will commence on the redevelopment next year and is due for completion in 2026.

The new seven-storey acute services building will include a new emergency department; adult and paediatric critical care services; almost 50 per cent more theatres and interventional suites; a 60 per cent increase in intensive care unit capacity; imaging services; a birthing suite and an inpatient maternity unit; neonatal intensive care and special care nursery; a rooftop helipad; new retail places; a new hospital entrance canopy; an improved drop-off zone; and increased car parking capacity, just to name a few. The redevelopment will also deliver improvements to the internal road network, including a future connection to the Newcastle Inner City Bypass and a link bridge to connect the new building to the Hunter Medical Research Institute. In total the Government is investing a record \$10.7 billion in health infrastructure across the State through to 2024, which includes the new \$470 million Maitland Hospital. The vaccination hub and the John Hunter Hospital redevelopment show the Government's commitment to the Hunter. I look forward to seeing those projects come to fruition in the near future.

NSW INTERGENERATIONAL REPORT

The Hon. JOHN GRAHAM (21:24): Earlier in the Chamber I spoke about the *2021-22 NSW Intergenerational Report* and I wish to make a couple of additional observations. It is a fantastic report that I have already welcomed. One thing it shows is that New South Wales faces an increasingly unequal future. One of the reasons for that, which is probably the key reason, is that the report shows a very clear correlation between home ownership and wealth in New South Wales. There is one shocking paragraph in the report that really leapt off the page. It states:

Households approaching retirement ... who do not own their own home typically have just \$78,000 in net household wealth compared with \$1.4 million for homeowners of the same age.

So in retirement some householders who do not own their home will have \$78,000 compared to \$1.4 million in wealth for home owners of the same age. I think we all know there is a big wealth effect in that but the scale of it is really shocking. When the Premier took office, her key priority was tackling housing affordability. That was what she volunteered on her first day. What we know is that the situation is becoming dramatically worse. Anyone who has been out on a Saturday at any time this year would know just how hot the housing market is running in New South Wales and just how hard it is for people who are trying to get a foot in the home ownership market. According to the report, the home ownership rate for 30- to 34-year-olds was 64 per cent in 1971 but down to 50 per cent in 2016. We know that the challenge of home ownership is getting worse. That may lead to an increasingly unequal future for our State.

I have already spoken in this Chamber about the long-term decline in education spending in New South Wales. As a share of total State expenditure it used to be 28 per cent, or nearly one-third, of the State budget in 1989-90. The intergenerational report predicts that that will collapse. In 2018-19 it was 22 per cent but it will fall to just 18 per cent of the State effort going into education by the time 2061 arrives. Education is the most important thing that the State could do but we are doing less and less up until now, and we will do less in the future. We know education is a key lever. How big a lever could it be? The intergenerational report notes that if we could increase labour productivity through education the New South Wales economy could be \$53 billion larger, which is the equivalent of more than \$11,000 in annual income per household. It is an incredible lever but one that is heading in the wrong direction.

However, there is some good news about the fiscal gap. Since the last report in 2016 the fiscal gap has improved significantly. The projection is that 2.6 per cent of gross State product [GSP] is now predicted in 2061 compared to the previous estimate five years ago of the higher 3.4 per cent of GSP in 2056. I must add, though, that one of the key reasons that number has shifted appears to be the assumptions that are being made about the health funding share for New South Wales. The report states:

A number of factors account for this – in particular, changes to modelling methods to better estimate both health expenses as we age, and account for growth in health funding from the Commonwealth (which is now projected to be more in line with hospital expenses).

The trouble with the last report is that the assumptions on health funding were wildly pessimistic. They really showed the share of Commonwealth health funding collapsing. That was never going to happen, but it made the Treasury figures in the 2016 report far more pessimistic than they should have been. That has now been corrected and as a result the figures look better. I would really like to see just how much of an effect that has had.

The report highlights some other key levers we can use to impact on the future economy of New South Wales. The first lever is making sure that we do not have a slow and disorderly energy transition. That underlines the fact that energy policy is one of the most important economic levers we have right now in New South Wales. I think that is the sentiment in the Chamber. The second lever is women's participation in the workforce. Lifting the rate of women's participation in paid work to be equal to men's could lead to an 8 per cent bigger economy over this time. It would be the equivalent of \$22,000 more income per household. I welcome the report and commend it to members.

YAGON BEACH CONTAMINATION

The Hon. MARK BANASIAK (21:28): A gross act of gross negligence by a government department has occurred on the mid North Coast. I am speaking of the aerial spraying of bitou bush by the NSW National Parks and Wildlife Service [NPWS] using the herbicide metsulfuron-methyl 600. Last week I was alerted to a large fish kill of beachworms that had occurred at Yagon Beach following a routine spray to control bitou bush by using a herbicide that is hazardous to aquatic life. We know it is hazardous to aquatic life because it states that on the material safety data sheet. This herbicide should not have been used within such close proximity to the ocean.

Yagon Beach now has six kilometres of beachworms that are dying or dead. I have had locals tell me that birds pull the worms out of the sand and just leave them. The authorities have been notified: the Department of Primary Industries [DPI]—Fisheries, the Environment Protection Authority [EPA] and the Marine Estate Management Authority [MEMA]. They allege that they were going to conduct testing on the afternoon of 3 June but there is not a lot of trust from locals that that actually has occurred because the tide came right up to the sand dunes, so how could they have had access to the beach?

I received a photo of a very sick seal on the beach that should have been removed and taken into care had any authorities seen it. The NSW Food Authority was informed, as was the Sydney Fish Market. There has been a communication breakdown because 290 kilograms of pipis were sold to the Sydney Fish Market after being taken from an area of potential contamination. The beach was closed off at around midnight on 3 June but no official announcement was made. Commercial fishermen who work that beach were not informed so they continued taking catch and putting it into market. Instead of the NSW Food Authority taking responsibility and alerting the fishermen, it passed the message like Chinese whispers through the community. It sounded the drum like the villagers in *The Phantom* and expected all to hear it. But all did not hear it because, as I said, 290 kilograms of pipis were sold to the fish market after being potentially contaminated with a hazardous herbicide.

I was told that the EPA recommended that 500 grams of the pipis can be safely eaten, but they have to be mixed with other ingredients. There is simply no clarity around what the impacts could be if people digest these products. Still, as I stand here today, there has been no official announcement to commercial fishers via text or email or by any other means. There has been no report from authorities, no evidence that water or sand samples have been collected, no evidence of tests conducted on beachworms or pipis or on the poor sick seal that lay helpless on the sand. One local said they saw testing occurring at another beach. If that is the case, I have grave concerns that samples from that beach will be used as samples for Yagon Beach. Those serious concerns lead me to believe that the departments are potentially doctoring results to keep themselves in the clear.

One local fishermen decided to conduct his own testing as he firmly believes that they are deliberately testing the wrong beach. They might be able to fudge the books, something they have mastered the art of, but what locals have seen is clear—dying sea life on the shores of their beach. It is tragic for these aquatic animals, but it seriously impacts commercial fishers who have quota for hand-gathering species like beachworms and pipis. There are so many issues at play here. Why is the National Parks and Wildlife Service still using metsulfuron-methyl 600 on our coastlines and spraying it from a helicopter? Why did the NSW Food Authority not send out clear directives to commercial fishermen? Why did DPI Fisheries, the EPA and MEMA not immediately conduct testing on the correct beach and subsequently alert locals to their gross negligence?

Now it all seems a bit late. The damage has very much been done and it is shameful that the departments that allege to lead the way on environmental issues would be so negligent in their duties to this community. This is not the first time the NPWS has done this. At the very least, the latest incident is another example of departmental incompetence and this incompetence comes from the top. But at the very worst, it is an ecological disaster and potentially a financial disaster for commercial fishermen brought on by that incompetence. In true fashion, this Government will bury its head in the sand like an ostrich and cover up its failings rather than acknowledging them, learning from them and fixing them. Maybe if the Government did that and its departments did the same, and were actually held accountable, people in the fishing fraternity, both recreational and commercial, would then have a higher opinion of them. At the moment, from all the people I talk to, the reputation of the Government and the departments could not get any lower. It is time for the Government to crack down on the professional pencil-pushers in the departments and hold them to account.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 21:33 until Thursday 10 June 2021 at 10:00.