



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 10 June 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 10 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 Eora nation and its Elders and thanked them for their custodianship of this land.

Motions

SHELTERBOX AUSTRALIA

The Hon. BEN FRANKLIN (10:03): I move:

That this House:

- (a) acknowledges the work of ShelterBox as Rotary International's project partner in disaster relief;
- (b) notes that since its inception in 2000 ShelterBox has:
 - (i) grown to a global network of 15 affiliates;
 - (ii) supported over 1.5 million people; and
 - (iii) made a difference in over 97 countries.
- (c) acknowledges that ShelterBox Australia provides emergency shelter to families who have lost their homes in disaster and that the Northern Rivers community has been, and continues to be, instrumental in supporting fundraising efforts through local events including:
 - (i) a 2019 sellout show at the Palace Cinema Byron Bay of the Women's Adventure Film Tour;
 - (ii) regular Off the Grid camping challenges where local school students and their families camp in their backyard and turn off devices to experience how a tent can safely house a family who have lost their home;
 - (iii) the partnership of the ShelterBox online book club with The Book Room at Byron Bay offering members a 15 per cent discount off books; and
 - (iv) participating in adventure treks across Australia, with the most recent trip to Cradle Mountain Tasmania raising over \$30,000.
- (d) notes that the ShelterBox Australia office has its team located in the Northern Rivers region, with the CEO living in Alstonville, the Communications Manager in Tweed Heads and the Volunteer Program Manager in Bangalow;
- (e) acknowledges that despite the impacts of COVID-19, ShelterBox, through the generosity of local people, has still been able to provide emergency shelter, soap, hand basins, water filtration kits and cooking sets to people in need across the world; and
- (f) thanks ShelterBox in helping to provide a home to those who have none and acknowledge this important work and the work of other organisations like it across the nation.

Motion agreed to.

CANCER COUNCIL AUSTRALIA'S BIGGEST MORNING TEA 2021

The Hon. BEN FRANKLIN (03): I move:

- (1) That this House:
 - (a) notes that the Cancer Council's "Australia's Biggest Morning Tea" was officially held on 27 May 2021;
 - (b) recognises the Cancer Council is Australia's leading cancer charity and in 2019 they:
 - (i) invested over \$62.9 million in cancer research along with their research partners;
 - (ii) protected over 2 million young Australians through the SunSmart school program; and
 - (iii) provided services over 250,000 times to Australians impacted by cancer.
 - (c) recognises that "Australia's Biggest Morning Tea" raises vital funds for cancer research, prevention and support;
 - (d) acknowledges that individuals, community groups, organisations and workplaces across the country held, or will soon hold, an Australia's Biggest Morning Tea event, including:
 - (i) Ballina CWA;
 - (ii) TAFE Ballina;
 - (iii) LJ Hooker Ballina;

- (iv) Service NSW Ballina;
 - (v) Professionals Ballina and Lennox Head;
 - (vi) BUPA Ballina;
 - (vii) Riverbend Village Ballina;
 - (viii) Ballina Croquet;
 - (ix) Lismore Workers Women's Golf Club;
 - (x) Lismore Craft and Quilters;
 - (xi) Lismore South Public School;
 - (xii) Maven Dental Lismore;
 - (xiii) Lismore Primary School;
 - (xiv) Lismore Library;
 - (xv) Alstonville Dental;
 - (xvi) Bangalow Quilters;
 - (xvii) Feros Bangalow and Byron Bay;
 - (xviii) SAE and ACAP Byron Bay; and
 - (xix) Woodenbong Community.
- (2) That this House sincerely thanks all those who:
- (a) hosted or are soon to host a 2021 Australia's Biggest Morning Tea;
 - (b) donated goods, hosting spaces and equipment;
 - (c) gave their time to putting on the event; and
 - (d) gave financially to support the fundraising efforts of the Cancer Council.

Motion agreed to.

Documents

REVENUE NSW

Tabling of Documents Reported to be Not Privileged

The Hon. DANIEL MOOKHEY (10:04): I move:

- (1) That, in view of the second report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on papers regarding Revenue NSW Investigations, dated 26 May 2021, this House orders that the following documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk, subject to redactions of telephone numbers and email addresses of:
 - (a) category A, B and D documents referred to in Revenue NSW's submission to the arbiter dated 19 March 2021; and
 - (b) documents upon which a claim for legal professional privilege was pressed by Revenue NSW in its submission to the arbiter dated 18 May 2021, with the exception of documents numbered 399, 405, 407, 408 and 794.
- (2) That this House orders the Department of Premier and Cabinet to produce, within seven days of the date of passing of this resolution, versions of the documents referred to in paragraph 1 (a) and (b) with redactions.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY

Tabling of Documents Reported to be Not Privileged

The Hon. MARK BANASIAK (10:04): I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on papers regarding Narrandera to Tocomwal rail line reopening feasibility study, dated 2 June 2021, this House orders that the following documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk:
 - (a) Transport for NSW document numbered (a) 1 in the privileged return to order received by the Clerk on Wednesday 24 March 2021; and
 - (b) Transport for NSW documents numbered (b) 1 to (b) 54 in the privileged return to order received by the Clerk on Wednesday 24 March 2021, subject to redactions of personal contact information.

- (2) That this House orders that the Department of Premier and Cabinet produce, within seven days of the passing of this resolution, versions of the documents referred to in paragraph 1 (b) with redactions.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

WAGES POLICY TASKFORCE

Tabling of Documents Reported to be Not Privileged

The Hon. ADAM SEARLE (10:05): I seek leave to amend private members' business item No. 1246 outside the order of precedence as follows:

- (1) Inserting after paragraph 1 (b):
 - (c) all additional documents received by the Clerk on Wednesday 19 May 2021.
- (2) Omitting in paragraph 2 "1 (a) and (b)" and inserting instead "1 (a), (b), and (c)".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason, AC, QC, on the disputed claim of privilege on papers regarding the Wages Policy Taskforce dated 28 May 2021, this House orders that the following documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk, subject to redactions of personal telephone numbers and email addresses:
 - (a) all Department of Premier and Cabinet documents received by the Clerk on Wednesday 14 October 2020; and
 - (b) all NSW Treasury documents received by the Clerk on Tuesday 20 October 2020.
 - (c) all additional documents received by the Clerk on Wednesday 19 May 2021.
- (2) That this House orders that the Department of Premier and Cabinet produce, within 14 days of the passing of this resolution, versions of the documents referred to in paragraph 1 (a), (b) and (c) with redactions.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

Visitors

VISITORS

The PRESIDENT: I welcome to the President's gallery members of the NSW Nurses and Midwives Association and the Quality Aged Care Action Group, who are guests of the Hon. Courtney Houssos. They are here to observe the tabling of the report by the Select Committee on the Provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. The guests include Jocelyn Hofman, She Walton and Janine Quinn. I welcome them all. We very much appreciate the wonderful work they do.

Committees

SELECT COMMITTEE ON THE PROVISIONS OF THE PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2020

Reports

The Hon. COURTNEY HOUSSOS: I table report No. 1 of the Select Committee on the Provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020 entitled *Provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020*, dated June 2021, together with submissions, transcripts of evidence, tabled documents, online questionnaire report, committee discussion paper, answers to questions on notice and supplementary questions, and the correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (10:07): I move:

That the House take note of the report.

I acknowledge the members of the New South Wales nurses associations who are visiting the Chamber today. I acknowledge also Adam Hall, who is a representative from the Health Services Union. I thank them all for their collaborative and constructive support of the inquiry. The shocking conditions in so many residential aged care facilities has been known by residents, their families and the workers in aged care for years. But the national spotlight was shone onto those conditions with the *Four Corners* report in September 2018, throughout the Royal

Commission into Aged Care Quality and Safety that followed, and again during the COVID-19 pandemic. It was clear from our inquiry that it is getting worse, not better. We were told about the increasing needs of patients with complex comorbidities, yet there has been no increase in staff. Indeed, we heard that chronic underfunding combined with the COVID-19 pandemic has increased the burden on nursing and personal care staff.

The inquiry was primarily established to investigate the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. However, the terms of reference were broader, covering cost shifting onto the New South Wales public health system and lessons to be learnt from the COVID-19 pandemic. As a result, our inquiry quickly became one examining the broader issues facing aged care and how to protect the safety and dignity of our elderly. We deliberately did not seek to replicate the work of the Royal Commission into Aged Care Quality and Safety that was established in 2018 and delivered its final report during our inquiry. The royal commission received over 10,500 submissions, held 23 hearings and workshops with 641 witnesses and made 148 recommendations. We deferred to those findings and decided to focus more narrowly on the staffing issues, particularly given the State's limited role in aged care.

Our first finding emphasised the importance of all roles in providing holistic care, including our registered nurses, personal care workers, allied health professionals and support services staff, such as cleaners and chefs. We must have safe staffing levels, particularly for our registered nurses, personal care workers and allied health professionals, to ensure the safety, dignity and quality of care in our aged-care facilities. We accept that the funding and primary regulation of aged care occurs through the Federal Government. That is why we called on the Federal Government to increase funding to implement safe staffing levels. But if this does not occur within four years—the time frame recommended by the royal commission—we recommend that the New South Wales Government investigates how it could be implemented for our State. In the meantime, the New South Wales Government regulation of aged-care facilities should mirror the same arrangements. The requirement for registered nurses should be in proportion to the number and needs of residents.

The committee also recommended that the increased funding comes with improved transparency and accountability measures for residents and their families. We must ensure that this increased funding goes directly to improving the quality of aged care by increasing the staffing levels and reversing the ongoing cuts that staff reported to us, particularly cuts to allied health professionals and support staff, including kitchen and cleaning staff. In the midst of a global pandemic, the consequences of those cuts are deadly. The COVID-19 outbreak at Newmarch House in April 2020 led to 71 cases in staff and residents and 19 deaths. One in five deaths from COVID-19 in New South Wales occurred at Newmarch House. But just one month earlier at Dorothy Henderson Lodge, a similarly sized facility, an outbreak resulted in only 21 cases and six deaths. We did not get to the bottom of why that occurred, but it was clear that the outbreak at Newmarch House was not handled according to best practice.

To ensure long-term improvements to aged care, it is vital to have a stable workforce. But we can only achieve this with better wages, secure employment and training and career pathways. That is why we recommended that the Federal Government should develop a clear workforce plan for aged care across Australia. Given the demographics of New South Wales and its aging population, it is clear there will be an increasing need for specific facilities for culturally and linguistically diverse communities and also for Aboriginal people. We heard anecdotal evidence of cost shifting from residential aged-care facilities without safe staffing levels onto the public health system. NSW Health does not map any of this data. We also heard appalling statistics about the rates of sexual assault in aged care, which must be urgently addressed.

I thank all participants in our inquiry, including those who made submissions, completed our survey and appeared at our hearings. I especially reiterate my thanks to the Health Services Union and the NSW Nurses and Midwives' Association for their close support. I thank my fellow committee members, especially the Deputy Chair, the Hon. Mark Banasiak, who proposed the bill. I also extend my sincere thanks to the committee secretariat for its hard work and professionalism, and I thank Hansard. I am hopeful this renewed focus on aged care will bring genuine changes. With more funding to deliver safe staffing levels, along with transparency and accountability, we can give our aging population the safety and dignity they deserve.

Debate adjourned.

Documents

TABLING OF PAPERS

Mr DAVID SHOEBRIDGE: By leave: I table a document comprising a printout of the names of 18,791 citizens who signed an online petition concerning the death in custody of David Dungay Junior. I move:

That the document be printed.

Motion agreed to.

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

The Hon. DAMIEN TUDEHOPE: On behalf of the Hon. Don Harwin: I move:

That Government business notice of motion No. 1 be postponed until a later hour of the sitting.

Motion agreed to.

*Disallowance***PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT (NATIVE FOREST BIO-MATERIAL REGULATION) 2020**

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

Question resolved in the affirmative.

Mr JUSTIN FIELD: I move:

That the matter proceed forthwith.

Motion agreed to.

Mr JUSTIN FIELD (10:19): I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2020, published on the NSW Legislation website on 14 August 2020.

The Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2020, which was introduced on 14 August 2020, provides for exceptions to the prohibition on burning native forest biomaterial. We are talking about our native forests, places where our native plants and animals grow, breathe, eat and live. The regulation prohibits the burning of that sort of material for the purpose of generating electricity. There are exemptions to that prohibition, however, which I will get to later. While the application of this regulation is currently limited to three sugar mills on the North Coast, there is a growing concern in the community about the lack of compliance by those sugar mills under the current regulatory environment, particularly with regard to mandatory reporting requirements and the existing and continuously expanding exemptions to the regulation.

The intention of the disallowance motion before the House today is to bring those concerns to the attention of members and the public to highlight the current regulatory gaps and to illustrate the risks associated with enabling further expansion of those exemptions to other potential biomass, or native forests, to energy producers. We know that there is a push within parts of the Government and within certain industry groups to allow our native forests more and more to be burnt for electricity, with huge consequences for the environment generally, for air quality, for climate and for our native plants and animals. The resulting emissions further undermine the social licence of the native forestry industry and undermine efforts to transition to renewable energy towards net zero emissions for the people of New South Wales.

A little bit of history is important here. When I explain to people that there are exemptions to the burning of our native forests for energy, most of them are deeply shocked. They think—and naturally so—that the burning of native forests biomaterial to generate electricity should be prohibited. It is in fact prohibited except in certain circumstances, which are listed in part 3 of the Protection of the Environment Operations (General) Regulation 2009. However, in 2014 then Minister Anthony Roberts allowed native forests to be burnt by expanding the definition of "biomaterial" to trees cleared from thinning, pulpwood logs, heads and offcuts from forestry operations—all by-products of native forestry logging operations—despite the fact that those forests would do much better to have those trees standing. It is also very important that those offcuts remain in the forests as biomaterial to allow the recovery of those logged forests. So the expanded definition of "biomaterial" had very significant ecological impacts.

That led to a disallowance motion to the regulation brought by Dr John Kaye of The Greens, which was supported by Labor at the time. I think Luke Foley led that debate, referring to what he saw as a great achievement by the Carr Government in designing the initial prohibition on the burning of our forests to generate electricity. At the time Minister Roberts said that detailed records of the amount and source of biomass would be kept and audited by the NSW Environment Protection Authority [EPA]. The Minister knew that the public had a very real concern that the expanded exemptions would potentially see a big move towards the burning of our native forests for electricity, as has been seen in Europe and other countries, and that would lead to significant environmental consequences. Assurances were given: "We'll keep an eye on this. We'll monitor it. We'll make sure we measure

it. We'll have a good understanding of where this is coming from and we'll be able to keep track of it. The EPA will do that."

In 2014, thanks to the regulation, the EPA granted a five-year exemption to allow three sugarcane mills—two at Cape Byron in the North Coast and the NSW Sugar Milling Co-operative up at Harwood—to burn biomaterial, largely wood waste and sugarcane waste as well as sawmill residues, pulp logs and offcuts and the like. I am sure many members driving north would have passed the Harwood sugar mill. A requirement of those exemptions was that the sugar mills report monthly on the source, the volume and the type of biomaterial being burnt. Those three sugarcane mills have almost entirely failed to comply with that requirement and the EPA has entirely failed to uphold it. We then get to 14 August 2020 when this Government introduced the Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2020, to which I have moved a disallowance motion today.

The 2020 regulation introduced a new clause 97A, which allows nominated licensed premises—those three sugarcane mills that I specifically mentioned, though of course further premises could be added in the future—to burn biomaterial. The new clause also further expanded the definition of "native forest biomaterial" to allow more wood products from different types of processes to be picked up under the list of exemptions. The list includes: if the material does not comprise timber suitable for milling or other higher value use; if the material has been sourced from trees cleared as part of a development consent, exempt development or any other approval under New South Wales planning laws or similar laws in other States or Territories; trees or vegetation removed or lopped by a roads authority for the purpose of carrying out roadwork or removing a traffic hazard; or land cleared as part of recovery or clean-up works in an area declared to be a natural disaster area for the purposes of any disaster recovery funding arrangements administered jointly by the Commonwealth and States and Territories.

It is quite a significant expansion of the materials that may well be available to not just those three sugarcane mills but other licensed premises in the future to be able to source and burn native forests for the generation of electricity. I will talk to the consequences of that but I want to go back to the noncompliance issue and the reason I ask for the support of the House today to disallow the regulation. Despite not complying with mandatory reporting conditions since 2014 on their previous five-year exemption, the three sugar mills were given further exemptions under this new clause 97A, which was gazetted on 14 August 2020. The exemption now appears to have no time limit. It was not a further five-year exemption; it became an open-ended exemption.

Cape Byron has rejected numerous Government Information (Public Access) Act [GIPAA] applications from community members that raised questions about the mandatory reporting requirements. I acknowledge the ongoing work of community members, particularly the North East Forest Alliance members and others, who have tried to uphold the mandatory reporting requirements where the EPA has failed historically. However, they have not been successful in getting that information. In fact, court action that was taken in relation to one of the GIPAA applications did not go in the community's favour. That is curious, given the obvious failure of the regulator to ensure that those sugarcane mills complied with their reporting requirements. As a result of the discussions that have happened, to some degree, since I first gave notice of today's disallowance motion almost 12 months ago—

The Hon. Penny Sharpe: It has been a long time coming.

Mr JUSTIN FIELD: I must say one of the reasons for that gap was to have a better understanding of the implications of the regulation, and there has been active engagement with the Minister's office and, through the Minister's office, with the EPA. I acknowledge that the EPA has done a number of things as a result. It has conducted a site audit and a review of the current requirements, which suggests that maybe it was not enforcing the mandatory reporting requirements historically. The EPA is now considering regulatory action arising from that desktop audit and site audit. That was done in March. We have not yet been informed of the outcome of that and, I might add, we still have no idea exactly what the volumes or the source of any biomaterial burnt in those mills since 2014 has been. Some work and some auditing of the requirements has been done but it is unclear whether or not they have been compliant. They certainly have not been reporting and the EPA has not been able to provide that information.

So it is hugely concerning that we would now be expanding the exemption, extending it and potentially seeing that lack of reporting under the exemption extended to other licensed premises in the future. I do not think it is reasonable for us to allow that regulation extension and the exemption to be expanded whilst we know that the licensed premises are not complying with their mandatory reporting requirements. To date the EPA has entirely failed to uphold those mandatory reporting requirements. The reason that this is of large concern is not just that they have failed to report; there is an ongoing push to expand the capacity of various industrial processes to burn so-called biomass or wood waste—but let us call it what it is; it is our native forest—for energy. It is an entirely flawed concept. It is often done in the name of climate mitigation as if somehow, because the tree has captured carbon, the burning of that carbon is entirely renewable. That is a farce. I say to those in the forestry industry who may well see this as a future opportunity to mitigate what is a decreasingly economically viable native forest

forestry industry in New South Wales that this will only further undermine the public perception about this industry and its credibility—its social licence. I am sure we will hear about that from some other members in this debate.

Burning wood for energy is more emissions intensive than is coal. Generating a unit of energy from wood emits between 3 per cent and 50 per cent more carbon dioxide than generating it from coal. It is not carbon neutral. In addition to the reduction of standing trees, there are opportunity costs. One thing about a tree that relates to carbon storage is that it stores two-thirds of its carbon in the last half of its life. If we cut down and burn young trees, we will never see the carbon potential of our native forest—one of the best strategies that we have to get to net zero emissions by 2050 and one of the best ways to take the pressure off other industries that have to do the heavy lifting if we continue to destroy our native forests. It is not clean, cheap or efficient; it is very expensive.

The Redbank proposal to transition an old coalmine at Warkworth in the Hunter Valley into a biomass plant will require 1.25 million tonnes of trees and 50,000 truck movements a year. How is that clean, cheap or efficient? As well as the air quality impacts, it is harmful to people and it is harmful to biodiversity. This is an industry that does not have legs. We should take action to ensure and send signals to industry and to the Government that the burning of our native forests for energy is not acceptable. Other countries are moving away from that as a tactic because of its impacts, not just on biodiversity but on people's health and on climate.

I note that disallowing this regulation today will not fix all of those problems. But I do not think we should allow these exemptions to continue and an expansion of these exemptions when we have failed to regulate this industry in a way that we can be well informed about its potential impacts, monitor its impacts and recognise whether or not it is possible. We just do not have the data. We see that time and again. We are seeing it in the private native forestry sector as well. We do not have the data to be able to make good judgements about the impacts of this industry. I think sometimes the Government likes it when we do not have data because it makes it much more difficult for us to have these debates in a fully informed way. That undermines public confidence in the Government, the regulators and the industry. We should send a signal today to the Government to do this better, by disallowing this regulation. I commend the disallowance motion to the House.

The Hon. BEN FRANKLIN (10:34): The Government opposes the disallowance motion. Fundamentally, it would impact on jobs and the viability of several businesses in northern New South Wales. The use of biomaterials for small-scale energy generation is not new. It was permitted by the previous regulatory framework as well as under exemptions issued by the NSW Environment Protection Authority in 2014. The regulatory framework that existed prior to the commencement of this amendment permitted the use of some native forest biomaterial for electricity generation. This included trees lawfully cleared as part of plantation operations, approved clearing under the Land Management Codes, by-products from forestry operations under an Integrated Forestry Operation Approval or Private Native Forestry Code of Practice, or waste from a sawmill or wood manufacturing process.

An exemption issued in 2014 enabled certain businesses to use trees lawfully cleared in accordance with a development consent or clearing that is declared to be exempt development, in addition to those existing uses already in the regulation. In response to the expiry of this exemption, the Government determined that it was appropriate to formalise the regulatory framework to provide greater transparency and clarity on the appropriate use of biomaterials. The regulation now provides full public transparency on which native forest biomaterials are permitted to be used by electricity generators. It permits the use of biomaterial from approved clearing under the Roads Act and the clean-up of declared natural disasters, like the 2019-20 bushfires and this year's floods. Importantly, the regulation makes improvements to ensure that biomaterial obtained under these activities must not be used if it is otherwise suitable for milling or other higher value uses such as erosion and sediment control or landscaping the land from which the timber was obtained. Disallowing the regulation would remove this important clarification. Why is this important? Disallowing the regulation could impact on the viability of the three cogeneration plants in northern New South Wales that are licensed to use native forestry biomaterial.

The Broadwater and Condong cogeneration plants and the Harwood sugar mill provide year-round employment to over 50 people, which is significant for their small regional communities—where I am proud to call home. The drought, bushfires and floods have greatly impacted these regional communities and have reduced the main fuel sources for cogeneration, being sugarcane waste and plantation forest residues. This regulation provides certainty of supply of energy to power the sugar mills and refineries and provides additional energy to power up to 60,000 homes in regional New South Wales. Removing this certainty could impact these small regional communities, their employment opportunities and their manufacturing processes. In addition, this would not stop the use of biomaterials. Let me be clear, this regulation does not permit native forests to be logged or cleared for the primary purpose of energy production and will not provide an incentive for increased clearing or logging of native trees. Such activities remain prohibited under the Protection of the Environment (General) Regulation 2009. The New South Wales Government's position on this has not changed.

Disallowing the regulation would only prevent three regional small-scale power generators from continuing to utilise native timber by-products sourced from lawful clearing under the Environmental Planning and Assessment Act 1979. Let us not forget that ultimately the sort of material that is authorised for use under the regulation needs to be disposed of anyway. If it is not put to some sort of use, such as energy generation, it will likely be burnt on site or transported to landfill. Generating electricity from biomaterial under this regulation and the existing framework can improve emissions, in comparison to disposing of it in landfill or burning it in the open air.

After the 2019-20 bushfires, green waste such as fire-affected trees and trees felled along roads for safety, has presented a significant environmental, safety and bushfire risk for many local communities. The New South Wales Government has taken this issue seriously and has funded recovery and clean-up programs for green waste. This includes a \$45 million program to assist local governments to clean up and appropriately manage this green waste. As part of the program, the Government is currently seeking applications for grants to promote the beneficial re-use of green waste from the bushfires for erosion prevention, land regeneration, compost and mulching.

However, given the volume of green waste generated by this natural disaster, utilising it to supplement electricity generation at licensed cogeneration plants provides further opportunities for its beneficial re-use and to divert green waste from landfill. These disasters have had a devastating impact on our regional communities and have required extensive and costly clean-up. From a practical perspective, the regulation provides the three cogeneration power plants with more flexibility to manage their fuels. It helps them avoid rapid changes in fuel type which can result in difficulty managing air quality and prevents them having to utilise other fuels that are not as clean.

The cogeneration plants that utilise biomaterial must continue to comply with their environment protection licences which impose strict stack emission limits and monitoring conditions to ensure that air quality is always maintained. These requirements are important for minimising impacts on human health and the environment. The Environment Protection Authority [EPA] is responsible for the compliance and enforcement of the regulation and the existing framework that regulates native forestry biomaterial. The EPA maintains an active compliance and enforcement program that requires these electricity operators to keep a detailed record of the amount of biomaterial they receive and burn, where the material comes from, and their compliance with strict emission controls that are placed on their licences.

The EPA recently audited the reporting undertaken by licenced biomaterial facilities and confirmed that they are compliant. Subsequently the EPA audited the environmental compliance of these facilities. While minor noncompliance issues were identified, these facilities are now working cooperatively with the EPA to address those issues. The EPA will undertake follow-up audits of these facilities to ensure that they have improved their performance. In summary, the regulation facilitates re-use of native forest biomaterial that might otherwise be disposed of at a landfill or burnt on site, which can cause a range of environmental issues in and of itself. The regulation ensures that these northern New South Wales businesses remain viable, the State's timber assets continue to be sustainably managed and that our natural resources are used efficiently and in accordance with their highest and best possible use. For those reasons the Government opposes this disallowance motion.

The Hon. PENNY SHARPE (10:41): I lead for the Opposition and indicate that we will be opposing this disallowance motion. The regulation allows the additional use of biomaterials collected through declared emergency clean-up activities and major road and construction maintenance activities to be used in three cogeneration plants. They are the Condong Cogeneration Plant in the Tweed and Lismore, the Broadwater Cogeneration Plant near Ballina and the Harwood Sugar Mill and Refinery in the Clarence. I have indicated the electorates in which they are located. As the Parliamentary Secretary stated, the reality is that if this waste material is not dealt with appropriately it would end up either being burnt or being thrown into landfill. These cogeneration power plants are working and are using mostly sugarcane waste, plantation timber waste and sawmill waste to generate electricity. They support 50 jobs in those locations and they are now generating enough electricity for around 60,000 regional homes.

Labor understands that this kind of electricity generation is a controversial issue. Labor is concerned about the use of native forests as the primary supply at these plants. We disagree with Mr Justin Field in that we do not believe this disallowance motion addresses the broader questions raised by the environment movement—and I acknowledge their work in this area. Labor understands the fear and genuine concern that, in effect, these cogeneration plants could increasingly place more pressure on our native forests to feed the generation of electricity and to keep these plants open rather than having a broader discussion about carbon sequestration, a range of other issues and the way in which we manage our forests. Having said that, Labor does not support this disallowance motion. It is essentially codifying what has been in place for over five years. Labor believes that it

is better to use the waste than for it to be burnt or put into landfill. We support the need for and like the fact that we have a higher use definition in the regulation.

I want to comment on the need for compliance. I acknowledge the important work that Mr Justin Field has done in this area with the EPA. For these plants to work, they have to be open and transparent about the amount of fuel that is used so that people understand and hopefully have their fears allayed about the use of forests to generate electricity. The greatest fear of environment groups—as the former shadow Minister for the environment I share this concern—is that we do not want to set up a system that requires us to use our natural forests to feed the beast.

Such a system would impact on our forests, koalas and other native animals. Labor does not believe that that is dealt with in this disallowance motion. It is important for the EPA to do its job and to ensure that there is compliance and reporting by these power plants as to the volumes and types of fuels being used. If we are to build trust in the community in the future these plants must use the waste products as stated. We believe that they are, but they need to show us that that is what they are doing. That is where the great distrust lies. We must resolve the tricky issue of how to deal with waste versus setting up a secondary industry that will burn our forests. The only way to resolve that is to shine some light on it, ensure that it is being reported, the EPA approves it and the public understands it.

Labor does not support the disallowance motion. However, we acknowledge the work that Mr Justin Field has done and I think we will see some improvements as a result, which is a good step forward. We believe that these plants are supporting important regional jobs and they are dealing with waste material that has nowhere else to go. It is a better use of sugarcane waste, plantation timber waste and the waste generated as a result of the bushfires. It is better for that waste to go to these plants than into landfill. I encourage the Government to do more with the logs that are there and to find as many places as possible for them to be used in the community. I also accept that it is a big task. There will be excess waste which will need to be dealt with properly. The Opposition opposes the disallowance motion.

Mr DAVID SHOEBRIDGE (10:47): On behalf of The Greens I indicate that we will be supporting the disallowance motion. For over a decade The Greens have been leading the charge against the use of native forests as bio-waste for the purposes of power generation. I credit my colleague, Dr John Kaye, with having put this on the record and for leading the charge. It is now at a point where there is a general prohibition on the use of native forestry material for the production of power. That general prohibition is a tribute not just to the work of Dr John Kaye and The Greens but also to the environment movement across the State. They realised the threat to native forests if an industry was allowed to develop which had as its feedstock native forest biomass.

If that industry is allowed to develop, it will be yet another attack on native forests across the State—forests that have already seen thousands and thousands of hectares logged for extremely low return native forestry operations, with all of the damage to ecosystems, native species and the climate that results. This regulation is much more limited. It is an exemption to that general prohibition and it allows native forest biomaterial obtained from trees cleared from land in accordance with a development consent under the Environmental Planning and Assessment [EP&A] Act or any authority or other approval issued by another State or Territory that is similar to a development consent under the EP&A Act.

Other sources of native forest biomaterial include the clearing of trees that is declared to be "exempt development" within the meaning of the EP&A Act—I could spend some time saying how that is an entirely inappropriate part of that Act, but anyhow—trees or other vegetation lopped by a roads authority under the Roads Act 1993 or any land lawfully cleared as part of recovery or clean-up works following the declaration of a natural disaster. It expressly states that native forest biomaterial does not comprise timber suitable for milling or other higher value use. It defines "higher value use" as including the use of timber or wood mulch for things like erosion and sediment control, landscaping and the like.

The regulation does have a narrow compass and it is, in effect, limited to the waste being used for three facilities associated with sugar mills where there are already biomass facilities that are largely dependent upon the feedstock that comes from sugarcane. But The Greens oppose the regulation as part of our general opposition to the expansion of burning of native forest biomass to produce electricity. That is a dead-end technology with massive climate emissions, probably larger than those of the coal industry. It is an industry that threatens to further denude our native forests and it is a threat to the ongoing biodiversity of New South Wales. Even though the regulation itself is of very narrow compass, The Greens stand with the environment movement around the State and around the country to say that burning our native forests for electricity is a dreadful prospect. It is uneconomic, it is yet another way of savaging the environment, and we should have a zero tolerance approach to it. Our native forests are so much more valuable standing than being mulched and woodchipped and turned into pellets for electricity, which could be produced through renewables. The Greens support the motion.

Mr JUSTIN FIELD (10:51): In reply: I grew up in a small central Queensland town called Cordalba, near Childers.

The Hon. Taylor Martin: A Queenslander!

Mr JUSTIN FIELD: A Queenslander, yes, but I always backed New South Wales, though that was mostly just to oppose my dad. This is a story about my dad. He has a steam ticket. I do not know if they have steam tickets these days. In my early years he was burning the gas to generate the steam to run the Cordalba sugar mill. There is nothing like the smell of gas burned in a sugar-mill process. It worries me that maybe the people up around Condong now do not get the pure smell of the gas with the native forest timber in there as well; I wonder if they miss that sweet smell. I grew up in and around the sugar industry and I understand the arguments. In no way does this motion seek to undermine the cogeneration opportunities. I even recognise that there are environmental reasons—possibly even some climate reasons—why that is viable.

However, I highlight a couple of points from this debate. There is a very large proposal in the Hunter Valley at the moment to change a previously coal-fired power station to a fully biomass-fired station. That company has indicated that it will need 1.25 million tonnes of biomaterial per year to operate, with 50,000 truck movements. It has indicated that it expects to get that material from the north-east forests of New South Wales. It is easy for members to say there is a broad prohibition on the burning of native forests for electricity generation, but where do they think all of that material will come from? If native forests are going to be logged, the heads of those trees need to remain in the forests to maintain some degree of habitat on the forest floor as those forests recover. There are very good arguments for not shipping off all the felled timber after an event such as the fires. If it has to be cleared or mulched for some habitat or erosion control, it needs to remain on the ground.

It is curious to me what we think happens next. When proposals such as this are being championed by some in government and in industry, where are the next exemptions coming from to ensure that that can be fed for its life? Is it 10, 20, 30 years? When is the next proposal? All of a sudden we have a real driver for the loss of our native forests. At the moment maybe it is just roadside clearing and timber mill offcuts, but what is also allowed in the other exemptions—I know it is not in this regulation—is the heads of the trees that are taken. It is the thinning; it is the small trees that are knocked over as roads are cleared to get to the big trees. There is a driver here for the clearing of our native forests. We know the Department of Primary Industries [DPI] is looking at this because Forestry Corporation of NSW is looking for alternative revenue streams. That is in all the documentation.

I ask for a recognition from this House—we have heard it very clearly from the Labor Opposition, and I appreciate that—that the monitoring and enforcement needs to be done. It has not been done. I appreciate that the EPA has been engaging but I am disappointed the Government did not stand up in this debate and say, "We now have the monthly reporting since 2014, when the exemption was given, and we shall put it on the EPA website." We still do not know that. It is all well and good for the EPA to engage with the sugar mills and make sure those noncompliance issues are being dealt with, but I would have liked to have heard from the Government today—and I invite the Minister to make a statement to the effect after this debate—that those monthly reports will be put online for all to see on an ongoing basis, and that any other premises given exemptions under these regulations will be required to report publicly so we know what is going on. I think that is the appropriate thing to do.

I appreciate those members who contributed to the debate. I recognise that this disallowance motion will not pass the House today. I hope this debate has served to inform the public debate and I appreciate the engagement by the EPA. Again, I call on the Minister to make this information public. Do not stand in the way of Government Information (Public Access) Act requests. Do not stand in the way of other efforts to obtain this information. Get out ahead of it. Ensure that the public knows what is actually going there so that we can fully understand the risks of other forthcoming proposals that will potentially involve the burning of our native forests for electricity—something no-one in the community supports.

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

Motion negatived.

Matter of Public Importance

ENERGY PROGRAMS

The Hon. MARK LATHAM (10:57): I move:

That the following matter of public importance be discussed forthwith:

The failure of the Government's energy programs.

I understand there is a consensus around the Chamber that the 10-minute preamble would not be needed and that we can move straight to the substantive discussion. I move the motion for carriage without speaking.

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

Motion agreed to.

The Hon. MARK LATHAM (10:58): This is indeed timely, given that the next sitting week will be budget week and there will be a renewal of attempts inside the energy section of the Department of Planning, Industry and Environment [DPIE] to implement their programs. It is very timely indeed to look at past failures over this current financial year. The document I have before me, an assessment document from inside DPIE, presents an appalling record of incompetence and failure by Minister Kean. The document, which comes direct from DPIE assessment of the energy programs, states that in the financial year 2020-21 the DPIE funding allocation was increased substantially as part of the economic stimulus package, and much of the allocation had to be spent by the end of this financial year.

Last November the DPIE leadership team requested the corporate services section, in collaboration with delivery groups, to conduct a review to identify potential risks in the energy programs in New South Wales that were supposed to be part of the stimulus to bring the State roaring out of recession. We have come out of recession but not through the work of the energy section of DPIE. Minister Kean has not contributed anything; in fact, program after program after program has been an abject failure.

In December a high-level health check was completed and presented to the leadership group in DPIE identifying significant potential delivery risk across the cluster. Then there was a deep dive into the programs at risk. According to this internal departmental document, a review was conducted that involved analysis of risk logs, plans, time lines and dependencies, as well as discussion with project managers and business advisory. What did the deep dive and this analysis of the energy program show? It showed that within DPIE 38 programs were analysed: 10 were said to be on track, colour-coded green in the documentation; 17 were at risk of failure, colour-coded yellow; six were off track; two were not rated; two reviews were incomplete; and one project was already finalised.

Of the six off-track programs, three were in the energy section. The department as a whole across planning, industry and environment had six programs identified as "off track". Three of those—half of them—were in the energy section. In fact, there were only three energy programs. Only three of the 38 programs were related to energy and all of them were deemed to be off track. That is a 100 per cent failure record for Minister Kean. The projects deemed to be off track were Energy Social, low income energy costs support; the Energy Accounts Payment Assistance scheme, which helps people who cannot pay their electricity bills; and pumped hydro, part of the much-vaunted electricity road map.

"Off track" in the documentation was said to be insufficient evidence of a defined plan dependencies critical path; minimal evidence that the program can be delivered; need to consider plan B options. Here is Minister Kean, in three out of three programs he had to go to plan B. Basically they are all useless. The attempted extra funding by government has come to nothing. These are abject failures in pumped hydro, in the Energy Accounts Payment Assistance scheme and in Energy Social support. That is three out of three failures. They are not just at risk but off track, where they have to abandon the initial budgetary plan and go to plan B.

Inside the Environment, Energy and Science section of DPIE eight programs were assessed. The three that were off track were all in the energy section. Apparently the bushfire recovery grants and the national parks program are on track. This is how bad it must be in the energy section: There is a doubt as to how they have gone in bushfire recovery. They say that is on track. But Minister Kean's performance is so bad that all of his three programs are said to be off track and dismal failures needing to go to plan B. When the detail of the assessment is looked at in the deep dive—here it is in the Environment, Energy and Science group of this internal DPIE document—we see in Energy Social, the program to help vulnerable low-income people manage their energy costs, the final resolution was to reapportion the program to other areas. They gave up on the incompetence of Minister Kean.

The Hon. Ben Franklin: How much money?

The Hon. MARK LATHAM: The money we are talking about runs into an initial budget allocation of \$289 million. According to these internal documents, this is a dismal failure. The Energy Accounts Payment Assistance scheme is to help vulnerable low-income people who cannot pay their electricity bills. It too is deemed to be off track. Regarding pumped hydro and grants for pre-investment studies provided to pumped hydro projects with private sector components, the forecast spend does not match the ability to deliver. Basically, this document is saying the much-vaunted pumped hydro area of the electricity road map has run into a cul-de-sac. There are no private sector investments to do a pre-investment study for pumped hydro in New South Wales.

This is a stunning insight from inside the department about the failure of Minister Kean to deliver anything in the three projects that were analysed. The most disturbing is pumped hydro. It is very clear now in the market investments in renewable energy that the private sector is cherry-picking the easy, profitable bits in mass solar and wind but not putting any money into the vexed question of what keeps the lights on when the wind is not blowing and the sun is not shining. They are not going into the firming capacity to fill any of the gaps left in the system when the wind and sun are not operating.

Because of the failure of the Government's pumped hydro strategy, the Federal Government has had to bail it out. The Federal Government has funded the Kurri Kurri gas peaking plant. This is a substantial Federal Government bailout of the Kean plan in recognition that Minister Kean is not getting the pumped hydro investment and battery storage technology on a mass scale is still rudimentary. The Federal Government has made a judgement that Matt Kean is so bad, so incompetent, so hopeless in the delivery of pumped hydro investments that it has had to fund the Kurri Kurri gas peaking plant. On top of that, the State Government had to subsidise \$85 million to get Tallawarra B in the Illawarra moving—another gas peaking plant. We can wipe the prospects of pumped hydro. The investors are cherry-picking the market opportunities for profitability, heavily subsidised by government, in mass solar and wind. We have major gaps that raise the real prospect of blackouts and economic decline in New South Wales, according to the Kean road map, which has run into this dead end.

We know this was flawed from the very beginning. It was pointed out in a previous lengthy debate that the pumped hydro ambition in New South Wales was based on the Australian National University [ANU] study. Thousands of sites across New South Wales were said to be suitable for pumped hydro, according to satellite mapping rather than in-person visits and analysis of whether the sites were viable. It is a bit like the koala fiasco. Satellite mapping does not give an accurate guide to what is actually happening on the ground. Is it viable? The sites I visited in south-west Sydney were ludicrous. One of the so-called pumped hydro possibilities was the water tank supply for the township of Oakdale. Another was a dry gully where the farm next door had taken all the water for its dam. The viability of these projects was never identified, proven or subject to any analysis other than taking dots off satellite mapping provided by the ANU.

In that context it is no surprise that Minister Angus Taylor in Canberra has had to bail out the incompetent Minister in New South Wales with the gas peaking plant. Minister Kean has had to tip in \$85 million at Tallawarra B to provide some sort of firming capacity in view of the fact that pumped hydro is going nowhere, according to the DPIE documents. Then there is the contradiction of this Minister, who is all over the shop as to what he really believes in and the direction in which he is taking energy policy in New South Wales. On 12 April Minister Kean told the *Four Corners* program:

If you're going to get to net zero emissions by 2050, then you need to be out of fossil fuels by the mid-2030s.

That is what he said. We will be out of fossil fuels in New South Wales by 2035, just 14 years from now. What does that say about the future and the investment viability of things like Tallawarra B in the Illawarra? That would be a 30-year or 40-year investment by Energy Australia in gas peaking. Yet it has to put up with the uncertainty caused by a Minister saying we will be out of gas in 2035, we will be out of coal, we will all be driving electric vehicles and there will be no petrol-driven cars in New South Wales. This is a Minister who does not know whether he is Arthur or Martha. One day he is putting \$85 million into a gas peaking plant; the next day he is saying we will be out of gas in 14 years' time. How can this Minister be allowed to run energy policy—the whole underpinning, the foundation, the basics of running a modern industrial, retail and service economy in New South Wales—when he does not know what he is doing? His own departmental documents show major flaws and off-track programs that have come to nothing in the current financial year. That gives us no confidence in what will be happening in the budget in our next sitting week.

I then go to the Minister's integrity. In April I asked him a question on notice about how he was going with his programs and whether they were on track or off track. I asked him what analysis the Department of Planning, Industry and Environment and his Environment, Energy and Science group has undertaken concerning the economic stimulus programs at risk of underspend and implementation failure for the 2021 financial year, and which programs were classified on track, at risk and off track. The documents themselves show that in the energy section all three programs analysed were off track. They were dismal failures. The Minister's answer provided to this House on 27 April—so not that long ago—was:

Economic stimulus projects within the Environment, Energy And Science Group of DPIE are on-track.

The Minister has clearly misled the Parliament. He is saying that the stimulus projects within DPIE concerning energy are on track. He also said:

No underspends against the Treasury approved budgets are currently forecast.

That is a blatant misleading of the Parliament. This is a dishonest Minister who has failed to provide the truthful account in these documents to this Parliament. Three projects were assessed in the energy section, and three were

off track. Only a few weeks after the assessments were made and finalised in February and March, the very next month, on 27 April, he is trying to tell this Parliament that all of the projects that we are talking about are on track, that they have been coloured green in the document, not red. The exact opposite is true. The Minister has misled the Parliament, and that should not be allowed to stand. The Minister should be condemned for what he has done.

Not only is the Minister incompetent, he is dishonest. He should own up. An honest Minister would have told the Parliament, "Yes, we assessed three of these projects: the two welfare ones and pumped hydro. We have identified problems. They are said to be off track. He is our plan B going into the next financial year." That is what an honest, competent Minister would have said. To further make the point, I asked the very same question to the cluster Minister, the so-called superior in DPIE, Rob Stokes. It is interesting to compare the answers of Matt Kean and Rob Stokes. Stokes answered the exact same question on notice:

I am advised NSW Government agencies are on track to meet the bulk of stimulus and support commitments ...

How slippery is Matt Kean? How dishonest is he? The answer from Rob Stokes is not about DPIE; it is broader and vaguer to try to cover up or not acknowledge the failures of those three energy projects. He said:

NSW Government agencies are on track to meet the bulk of stimulus and support commitments in 2021.

Rob Stokes has found a formula of words to get away from the truth, but Matt Kean has betrayed the truth by saying that all of the programs are on track. It is completely incompetent and completely untrue. That is not the first time that this has happened. There is a pattern of this Minister failing to deliver in vital areas of energy security and energy financial support for the people of New South Wales. In September last year we heard the news that his \$65 million rollout hoping to deliver 300,000 solar panel batteries had a take-up rate of just 150 homes. That project was for the Hunter Valley and the Mid North Coast. He was saying that 300,000 homes would take up the opportunity for solar panel battery storage, and only 150 did. That is a take-up rate of 0.05 per cent. That is less popular than John Barilaro at the next Dominello family dinner. That is a very low rate of take-up and popularity from this Kean scheme. At this rate of delivery, the scheme would need until the year 3020 to reach the 300,000 homes to take up the solar panel battery storage opportunity funded by the Government.

It is another example of a Matt Kean green scheme that remains a dream. I am forced into poetry to try to make the point. They are green schemes that remain dreams time after time: the two welfare ones assessed by DPIE, the pumped hydro and now this one for solar battery storage in the Hunter Valley and the Mid North Coast. This is a disastrous Minister who should be condemned and should be sacked for misleading the Parliament so badly in telling us that the projects were on track when his own departmental documents show in all three cases—a 100 per cent record of failure—that they were off track. They were marked red for a warning light. The Minister will not acknowledge the truth, and he should be condemned.

The Hon. BEN FRANKLIN (11:13): It is lovely to be back. I missed this iteration of Parliament. The experience of sitting here day after day doing exactly this has been seared into my memory. I appreciate that my friend the Hon. Mark Latham has given us the opportunity to once again talk about the Government's energy programs.

The Hon. John Graham: Let's do it a bit quicker this time.

The Hon. BEN FRANKLIN: We will not take the six and a half days that we took last time. What have we been asked to discuss? We have been asked to debate "the failure of the Government's energy programs". The topic of this debate simply could not be further from the truth. We know that energy policy in this State has well and truly turned around under the leadership of this Government with the bipartisan support of the Opposition and others throughout this Parliament, which I acknowledge. We are undertaking a massive infrastructure program to modernise our electricity system and to deliver some of the cheapest electricity prices anywhere in the world. A quoted anonymous document which may or may not—

The Hon. Adam Searle: Are you going to table it?

The Hon. BEN FRANKLIN: —which has not been tabled, and which may or may not have foundations in reality, does not take away from that fact. I take this opportunity to update all members of this House on the status of the New South Government's electricity infrastructure road map. Honourable members will recall that the road map is the Government's plan to take control of our future energy system and to deliver cheap energy for everyone across this State. It is an integrated policy framework to ensure cheaper, cleaner and more reliable energy for homes and businesses. It is our plan to make New South Wales an energy and economic superpower. The road map is expected to drive \$32 billion of private investment in electricity infrastructure by 2030 and save consumers around \$130 a year on average between 2023 and 2040 and will support 9,000 jobs, mostly in regional New South Wales. It does this by creating strong investment signals for the market to compete to deliver the new electricity infrastructure that New South Wales needs. That includes the new generation, the long duration storage and the firming infrastructure that is needed before the retirement of our existing power stations.

I will update the House on where we are up to with the renewable energy zones [REZ] work programs. The road map sets out the Government's plans to deliver Australia's first and largest renewable energy zones right here in New South Wales. Renewable energy zones are the modern-day equivalent of a traditional power station, bringing together low-cost solar and wind with upgraded transmission and storage while also leveraging our vast pumped hydro resources to help meet our future energy needs. As the State's existing power stations get older and approach retirement, we need to ensure that renewable energy zones are delivered where and when the State needs them. Renewable energy zones provide a framework to facilitate that investment and to align it with the needs of the State. The REZ program is well and truly underway, with the three gigawatt Central-West Orana renewable energy zone on track to be shovel ready by the end of next year. That will unlock up to five gigawatts of new generation. It is a crucial first step towards delivering New South Wales some of the cheapest and cleanest energy in the world.

The New England region will also host Australia's largest renewable energy zone. At up to eight gigawatts, it will provide a much-needed boost to the New South Wales energy system and regional communities, driving \$10.7 billion in private investment, 830 operational jobs and 1,250 construction jobs. The New England region is uniquely placed to host this once-in-a-generation project because it has some of the best natural energy resources in the country. It includes extraordinary solar and wind resources, for which strong investor interest already exists. The New England region also enjoys some of the State's strongest potential sites for pumped hydro development. The New South Wales Government has already committed to investing \$78.9 million to support development of the New England REZ. I am particularly pleased to advise the House that the Government is quickly progressing the design of the eight gigawatt New England renewable energy zone.

Last week we opened a registration of interest, seeking proposals from generation and storage projects in that region. The Government is asking all energy infrastructure proponents to register their interest as we take the vital first steps towards delivering the New England REZ. The registration of interest process builds on the success of a similar process held for the Central-West Orana REZ in mid-2020, which brought forward a staggering 27 gigawatts of proposals for the three gigawatt REZ. That is hardly a lack of interest on behalf of the corporate sector. The registration of interest will provide vital information for the planning of the New England REZ, including the size, value, location and types of projects looking to connect in the region. It will also help ensure the design and delivery of the REZ reflects the unique features of the region and that the REZ protects precious local assets, such as highly productive agricultural land. Information provided through the registration of interest will ensure all projects are taken into account to inform the best timing, design and location of the New England REZ.

The Government is committed to delivering REZ infrastructure in a way that reflects local values and priorities. We have set up a regional reference group for the New England REZ to help us ground truth our work on REZ design and delivery and ensure that the right projects are built in the right places. The reference group first met in Armidale on 28 April this year, bringing together local councils, Aboriginal land councils, New South Wales government agencies and other key stakeholders. It is just one of many initiatives that are being implemented to put communities at the centre of road map delivery and to foster community support for this new energy infrastructure.

Experience from typical contributions to community enhancement funds suggests that New England communities could see up to \$127 million by 2042 for local infrastructure and community projects such as community centre upgrades, parks, schools and the like. This would represent a significant and vital boost for local communities that host the renewable energy zones. We are talking about jobs; we are talking about energy security and reliability; and we are talking about investment at the front line of communities in regional New South Wales. In addition, farmers and landowners who want to host generation supported by the road map will receive lease payments for doing so. It is estimated that in the New England region this could amount to around \$655 million in nominal lease payments for landholders by 2042.

Let me move on to the pumped hydro work plan, as discussed by my friend the Hon. Mark Latham. Long-duration storage like pumped hydro is needed to provide crucial dispatchable capacity to back up renewable energy, as was admitted by the Hon. Mark Latham. Long-duration storage technologies like pumped hydro will play an important role in making sure power is available at all times when it is needed—as the member said, when the sun does not shine and the wind does not blow. Pumped hydro does this by drawing on and storing energy when it is abundant and releasing it on demand when it is needed. The New South Wales Pumped Hydro Roadmap showed that the north-east of the State, around New England, has excellent potential for pumped hydro development and some of the best in the State.

The Hon. Mark Latham: Where is it?

The Hon. BEN FRANKLIN: Integration of pumped hydro projects will strengthen the New England Renewable Energy Zone. The Hon. Mark Latham asks, "Where is it?" The New South Wales Government has

just released guidelines for the \$50 million pumped hydro recoverable grants program, which will soon open to applications. Let us not put the cart before the horse and let the program be opened to see what will happen in terms of applications. If the Orana REZ is anything to go by, we will have something like nine times the number of applications for the amount that is actually able to be delivered under this program. So let us just wait and see. That is my answer. The program will provide recoverable grants to project developers to assist with the cost of early-stage, detailed feasibility studies for pumped hydro projects. It aims to establish a pipeline of up to three gigawatts of shovel-ready pumped hydro projects that can make competitive bids for long-term energy services agreements for long-duration storage under the Electricity Infrastructure Roadmap.

I will move on to another point the Hon. Mark Latham made about the relationship with the Federal Government. I am delighted to say that the Commonwealth has issued a statement in support of the Electricity Infrastructure Roadmap. Under the joint policy statement on the New South Wales electricity system agreed between the Commonwealth and New South Wales on 30 April this year, the Commonwealth will "work collaboratively with the NSW Government and support the implementation of the NSW Electricity Infrastructure Roadmap as legislated by the Electricity Infrastructure Investment Act, recognising the critical need to have enough dispatchable capacity in the NSW grid." The support of the Commonwealth should give honourable members, industry and consumers the confidence that the road map is far from a failure, as the Hon. Mark Latham would suggest, but is the right policy setting needed to modernise our electricity system and to bring power prices down.

Finally, I am absolutely delighted in response to the Hon. Mark Latham to present to the House a list of private sector projects that have been announced or progressed since the launch of the Electricity Infrastructure Roadmap showing that there is substantial confidence in the direction being taken by the New South Wales Government. There is the 600 megawatt Oven Mountain pumped hydro project; the 350 megawatt Energy Australia Lake Lyell pumped hydro project; the 250 megawatt Idemitsu-AGL pumped hydro project; the 600 megawatt Newstan Colliery pumped hydro project; the 300 megawatt Tallawarra B gas-hydrogen project; the 500 megawatt Great Western Battery; the 100 megawatt Lismore Battery; the 500 megawatt Neoen Wallerawang Battery; the 700 megawatt Origin Eraring Battery; the 100 megawatt Shell-Edify Darlington Point Battery; the 400 megawatt battery, the 380 megawatt wind and 120 megawatt solar at the Thunderbolt Energy Hub; the 130 megawatt Peninsula Solar Farm; the 100 megawatt Monaro Solar Farm; the 100 megawatt Marulan Solar Farm; and the 110 megawatt Forest Glen Solar Farm.

It is clear that there is confidence from the sector and the industry—and there should be because the New South Wales Government's road map presents a very clear direction of where this State is going in terms of energy. The New South Wales Government is incredibly proud of that. It is sparking a wave of investment in electricity infrastructure in New South Wales and it puts to rest any suggestion that the New South Wales Government's energy policy is a failure.

The Hon. ADAM SEARLE (11:25): I lead for the Opposition, at least in the sense of the debate on the matter of public importance. The Hon. Mark Latham, in moving to have this matter discussed, raised some very serious matters that must be addressed. The information that the Hon. Mark Latham has put on the record about the three energy programs, if I may put it that way, which include two that refer to vulnerable households and the Energy Accounts Payment Assistance [EAPA] Scheme, is of grave concern. We know that scheme was in deep trouble because one of the key providers, St Vincent de Paul, had withdrawn from the scheme for reasons that the Government has not been forthcoming about. We know that there have been reports about significant problems in relation to the administration of that scheme. If the information the Hon. Mark Latham read, sourced from documents in his possession, remains the case, it is clear that that program remains in trouble.

The Opposition is concerned about assistance for vulnerable households. I will not go into the details of the range of payments available but it has been consistent practice by this Government to not reach all the households that would qualify for assistance. Each year we can see a gap between the Commonwealth data showing the cohort of households that would qualify. Those Commonwealth qualifications historically have been used by the State Government to determine eligibility for its programs. There is a consistent gap between the number of households eligible for the payments and those who actually managed to access the payments. I acknowledge that some years ago the Government increased the payments but it still remains a significant difficulty in getting that money into the hands and pockets of homes that clearly need it. If I understood the Hon. Mark Latham correctly, an amount of \$280 million was provided in budget enhancements to support vulnerable households to deal with their energy bills. Again, if I have understood the member correctly, that money has had to be reallocated within the budget because it was not delivered to vulnerable households.

The Parliamentary Secretary very carefully did not address that part—I have no doubt on instruction. It is a very serious charge that has been levelled at the Government by the Hon. Mark Latham, who is the leader of Pauline Hanson's One Nation political party in this Parliament, and it has gone unanswered by the Government.

That causes the Opposition grave concern. We are very concerned about the failure of the Government to squarely address this allegation. I note that the Hon. Mark Latham did not table the documents on which he relies. I am sure we will hear more about those documents in due course. The Opposition remains very concerned that vulnerable people in homes right across the State are struggling with their energy bills and are not receiving the assistance the Government has been promising them. I hope that during this debate another Government member will squarely face up to that, but I am not holding my breath. In relation to the other matters raised, I understand that the Hon. Mark Latham continues to take issue with the energy infrastructure roadmap, which was legislated by this Parliament on a multi-partisan basis last November. It seems like years ago now, but in fact it was only last November.

I take issue with the Hon. Ben Franklin's suggestion that this Government has turned around energy policy in New South Wales. Opposition members give the Government a cautious tick of approval in that we acknowledge that the turning around of the Ship of State commenced in November last year—nearly a decade after the Government took office. What is the history of the Government's energy policy? It has privatised the State's electricity system. It has allowed electricity bills to run out of control by completing the deregulation of the retail market without appropriate transparency measures. And, until very recent times, it outsourced policymaking on renewable energy and climate change policy to the Commonwealth Government, which we know is both mad and dysfunctional on those issues.

The consequences of those policy approaches have been disastrous. We saw galloping electricity price increases of 60 per cent in the Government's term of office from 2011 up until the Premier took office in February 2017. Although the increases since then have not been as alarming, they are going north and they are not going south. For example, months after retail prices were deregulated by the Government in 2014, the large electricity retailers were charging up to three times as much for their electricity. That is not a matter of conjecture; it is a matter that has been brought out in an inquiry of the House into electricity supply prices and demand, which other members and I were part of. I think even the Hon. Ben Franklin may have joined me on that inquiry.

Privatisation has added around \$200 at least to the average household electricity bill. The profits of energy companies are now accounting for between 10 per cent and 20 per cent of household electricity bills—talk about trousering the cash. Information gleaned by both the inquiry of the House and the Australian Competition and Consumer Commission shows that around \$2 billion has been sucked out of the pockets of customers and wasted on advertising, consultants, executives and high-pressure sales tactics around privatisation and retailers. We can see that the history of the Government's energy policy has not been a happy one. We note that the Government steadfastly refused to take any action in its successive terms of office until November last year. In November last year the Government effectively stole the Opposition's homework in large part. We supported the NSW Electricity Infrastructure Roadmap because its key features were lifted directly from our plan for cleaner and cheaper energy, but there are some differences.

I note the charge levelled by the Hon. Mark Latham about the difficulties of the pumped hydro scheme. I also note the answers given by the Hon. Ben Franklin. The scheme of the Government, which Labor supported—it was our scheme too—rests essentially not just on the renewable energy zones, which are uniquely the Government's proposal, but also on a series of reverse auctions to procure the private investment of new energy generation projects, dispatchability, storage and the like. I take comfort from the registrations of interest that the Hon. Ben Franklin has outlined. That is one of the difficulties because we need to engage the enthusiasm and, more importantly, investment of the private sector.

The energy infrastructure framework is not merely the policy of the Government but was supported by the official Opposition and other parties too. It is important that energy infrastructure policy in this State now rests firmly on not just a well-articulated but a legislated bipartisan basis. That means that in 21 months, whichever party is in government in this State, that policy will not be disrupted by a change of government. That is vital because investments in electricity infrastructure, dispatchability, storage, generation and transmission are long-term investment decisions. The market must know that there is not going to be an alarming disruption of policy midway through. On behalf of the Opposition, I give that commitment.

Although there is an existing electricity State-owned corporation in the Government's plan, that corporation's remit is quite limited—although it will play a coordinating role. That was a key distinction from the plan that Labor took to the last election. We committed to having a State-owned electricity corporation which would deliver a gigawatt of renewable energy generation but also support energy storage projects and do other things that the market may be slow to act on. The corporation would not just create jobs and opportunity for apprentices and trainees; it would also put the interests of consumers ahead of the private bodies. Importantly, it would complement activities in the energy market by providing investment certainty for businesses that supply renewable energy technologies, such as solar panels and wind turbines. It would also provide a goad to the private operators and potentially give the people of New South Wales a safety net—a State actor who could, if necessary,

fill some of the gaps in the private activity. That would address the very point raised by the Hon. Mark Latham that initially at least private investment might go for the higher yield projects, leaving others wanting.

Interestingly, of the electricity policy that I authored and the Labor Party put forward at the last election, the State-owned corporation was perhaps the least loved of the propositions. Post-election I was surprised to receive support from senior people in at least two of the big gentailers and from a number of other actors in the electricity industry. They implored me to retain the State-owned corporation [SOC] as part of our policy suite because it was a necessary implied pressure point for those two gentailers and for other actors. The executives know the challenge that the State is facing. Frankly, we are decade behind where we should be in building the next generation of electricity supply. The executives need to go to their boards of directors and shareholders and convince them of the need for decarbonisation investment strategies and investment in renewables and other necessary things to ensure that the lights will stay on beyond the retirement of coal-fired power stations.

The SOC proposed by the Labor Party was a necessary pressure point. I know the Government has an electricity corporation as part of its electricity infrastructure program. It may need to look at widening the scope of activities that the corporation may be able to engage in if investment in things like pumped hydro and dispatchability and storage measures is going to be slower than simply investment in generation projects. We have been very fortunate with the coal-fired power stations. They have provided relatively simple sources of electricity, big 24/7 generation and big transmission with relatively few of them. As they retire and come to the end of their life—not because Government wants to turn them off but simply they reach their end point—they will need to be replaced by a multiplicity of more generation. More solar panels, more wind turbines and many more different kinds of generation will be needed right across the State to replace those fairly simple machines—simple in the sense that there are relatively few big generators and there will now be many relatively small generators.

It may be that there will be slowness in the investment in some of the things that we need to see. If that is the case, the State in some way must be ready, willing and able to act. That is where a State-owned corporation might be able to invest in things like storage technologies where the private sector may be slower to do so. We need the dispatchability. To use an old adage: we need to make sure that when the sun does not shine and the wind does not blow, we need to have energy. That is a very important thing. That is where we come to the renewable energy zones [REZ]. I acknowledge what the Hon. Ben Franklin said, but he did not talk about the Hunter-Central Coast REZ which has been included in the legislation. The reason I mention it is that the Hunter and the Central Coast have played a huge role in our energy supply to date and it should do so in the future. Importantly, apart from generation, as coal-fired power stations come to the end of their life, there will be masses of existing transmission infrastructure that will go spare.

I note the REZs are to combine the new generation and transmission necessary to provide electricity to homes, but we must not gold plate and duplicate the massive amount of transmission infrastructure still in place and operative that will go spare when those coal-fired power stations close. We must maximise the re-use of existing transmission infrastructure in the Hunter region as part of our energy future. We do not share the same criticisms of the Hon. Mark Latham about the energy policies of the Government, but he raises significant questions about the competence with which existing energy policies are being implemented. That raises a question about the potential competence with which the electricity infrastructure framework—the biggest in the world that is being contemplated—is being executed by the Government, and we share those concerns.

The Hon. JOHN GRAHAM (11:40): I support the comments of the Hon. Adam Searle. The Opposition unapologetically voted for and supported this policy for the reasons given by the Hon. Adam Searle, with the nuances and caveats that he referred to. There is strong support for this policy because as we want business and investment certainty in New South Wales. I put on the record that we have concerns about this Minister and delivery. The observations made by the mover of the motion highlight those concerns. That is the question here. It is uncontested that there are some nuances with the policy framework. But we are keen to hear in more detail where the Government is up to than the advice given to the Parliamentary Secretary which he put on the record.

I also place on the record my concerns surrounding the allegations about the reallocation of \$289 million for energy and social support programs. If that is true—and we will look at obtaining those documents—it is a real concern. That is fundamental to the Opposition's interest in the matter. We are concerned about the impact on working people struggling to pay their energy bills. The inquiry that the Hon. Adam Searle referred to showed real increases in electricity prices by 52 per cent over 10 years. That makes it hard for households to pay the energy bill, amongst everything else they pay for. This was the program, the answer and the hope that was offered to those families but, according to the mover of the motion, it has disappeared. That is of real concern to the Opposition and we are keen to follow that issue. It is one of the top level concerns we have about the implementation of the program.

In relation to the pumped hydro issue, I was encouraged by the briefing by the Parliamentary Secretary that there is significant private sector interest. We will wait to see how that stacks up. The question surrounding

these projects relates to value for money. That is the real test here. There is plenty of enthusiasm but the Government has to grapple with the question: At what price? It was an encouraging conga line of pumped hydro projects that might be available to the Government. We will watch this space. The Minister is all in on pumped hydro. If concerns develop, in the strategy he has put all the money on the pumped hydro side of things. So, it is crucial that that does go right.

On the third area of renewable energy zone targets, I emphasise the point that the Hon. Adam Searle made. We heard plenty about the Central West, which is an Orana zone, and the New England zones. We did not hear about the other three renewable energy zones, not a mention. That is a concern because there are targets for those first two renewable energy zones of three gigawatts or eight gigawatts. At the moment the target for the Hunter is zero, it is zero for the Illawarra and it is zero for the south of the State around Hay. There is no backing for those areas. Currently they are renewable energy zones in name only, without those targets to drive the project. There is encouraged activity in the New England zone. The Parliamentary Secretary says the New England zone is uniquely placed. That is not the Government policy. The Government policy is that there are five renewable energy zones. The New England zone should not be uniquely placed.

The Hon. Mark Latham: It has been legislated.

The Hon. JOHN GRAHAM: Yes. What about the Hunter?

The Hon. Ben Franklin: I said it has the best resources.

The Hon. Don Harwin: You have totally misconceived the policy.

The Hon. JOHN GRAHAM: You are welcome to speak.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The Hon. John Graham has the call.

The Hon. JOHN GRAHAM: I call on the Government to speed up the development of the targets for those other areas. It will not be quick; we understand that. It should be done properly and on the basis of the best advice. No information has been provided about when those targets will be set or what the process will be. Given the Parliamentary Secretary's answer, I now understand why Matt Kean was in witness protection during the Upper Hunter by-election. If that information had been given to the electors of the Upper Hunter, they would have had real concerns about the Government's renewable energy zone. That is the concern I place on the record.

Finally, I stress how important it is to get this right. We want it implemented properly, as was raised by the member. In the intergenerational report published this week by the Treasurer—it is an excellent report—chart 6.4 on page 110 looks at the potential policies that have an impact on the State's wealth in 2061. At the top of that table, the biggest issue that can go either right or horribly wrong is a "slow and disorderly energy transition". That could impact the State to the effect of 2.66 per cent of gross State product. That is the biggest risk or the biggest potential benefit if we get it right, when Treasury looks at the future of the State's economy. It is the competence of this policy being implemented that will determine whether we gain that benefit or do damage to the State's economy. I thank the Hon. Mark Latham for bringing forward this information. I look forward to the member tabling the information at a future date and providing it to the House and the public. We will certainly watch these issues closely, as will the Hon. Mark Latham.

Mr JUSTIN FIELD (11:47): I make a short contribution to the debate on the matter of public importance. I particularly refer to the Hon. Mark Latham's suggestion that Federal Government Minister Angus Taylor somehow stepped in to save the New South Wales Coalition Government on energy policy. To a large degree, he is referring to the commitment to put \$600 million of taxpayer money into a gas plant at Kurri Kurri. I note that a new report published this morning by Victoria University's Victoria Energy Policy Centre absolutely carves up the arguments for that investment of public money. It is not really an investment; it is a giant hole to tip public money into. The report makes the case that it will fail on numerous grounds. New South Wales already has peaking gas power stations—I think three power stations—to deal with any shortfalls or fill any need for peaking gas.

The report suggests that demand for more power stations or even for the existing power stations does not kick in till about 2030. It estimates that the new plant will cost about 50 per cent more to build than the \$600 million that has been committed. There is limited gas supply going to Kurri Kurri at the moment, so huge investments in either pipeline infrastructure or import terminals will make it even worse. Inevitably that means things are going to run on diesel for a long time, adding pollution to an area that has some of the worst air quality in the country as a result of mining activity. Why would you want to make that worse by adding a diesel-powered peaking fuel station? Of course, we have already heard that it will create about 10 permanent, ongoing jobs and potentially operate for only a few days of the year, if indeed it is required at all. The idea that it is required to save the New South Wales Government is absurd. In fact, it is undermining this important transition.

I pick up on the point made by the Hon. John Graham, which is one that I wanted to make. The intergenerational report makes it absolutely clear that a slow and disorderly energy transition is one of the biggest threats to the New South Wales economy out to 2060. The way you undermine the confidence of the industry—you have to invest substantial money in new generation—is to see the Federal Coalition Government playing politics with energy. It is trying to run partisan agendas and is virtue signalling over the dispute at a Federal level about whether climate change is real and about whether or not we need to transition away from fossil fuels. The Federal Coalition Government is undermining that transition. I am not here to say that everything that the New South Wales Government is doing on energy is great, but I know that those at the Commonwealth level are no saviours and are making it harder.

It is confusing in some parts. When people think about energy, they largely think about electricity. There is also that climate imperative for the transition because stationary energy is the biggest single contributor to carbon emissions. It is important to make that transition. If it is indeed the Government's policy to get to net zero emissions by 2050, it needs to transition the stationary energy industry as quickly as possible if it is to take the pressure off other sectors of the economy from having to do the heavy lifting. I am confused about the efforts to expand into gas exploration in the Narrabri area and the idea of expanding the gas industry. There are pipeline proposals and import proposals, all of which adds to the confusing mix about what the New South Wales energy system is really going to look like in the future.

The intergenerational report also highlighted not only the great economic opportunity but also the emissions reduction opportunity of electrifying our transport fleet, in particular moving towards electric vehicles. That cannot be done unless substantial amounts of additional stationary energy—renewable stationary energy—are available to deliver the electricity needs for that fleet. If we are going to do that, let us stop the nonsense around increasing gas-fired electricity in New South Wales and get on with the plan of transitioning to an entirely renewable energy sector as quickly as possible. That is the direction that the energy Minister is taking.

I recognise the concerns raised by the Labor Opposition around the delivery of that transition, but I certainly do not think that the Hon. Mark Latham's suggestion today is right at all. He is playing his own political agenda here in trying to continually undermine Minister Kean for his own partisan reasons and will be seen by the community as doing exactly that, given his history on this issue time and again. His continual undermining of this important energy transition is the real threat to the New South Wales economy, jobs and all the things that the member claims to care about.

Mr DAVID SHOEBRIDGE (11:53): On behalf of The Greens, I note a few things in this discussion. We have a tiny minority of fossilised MPs who think that the future for the energy industry is digging up fossilised swamps, grinding them into dust and putting them into technology that was first developed at the end of the nineteenth century. That is their view of the future. Fossil future is their future. They must be so angry about reality. They must be so angry about the fact that, as we are having this discussion, five large-scale batteries are already in the national electricity grid. They must be so angry about the fact that another seven of them are under construction and another 18 large-scale battery projects are nearing that final commitment, ready to roll. They must be so angry with the Australian Energy Market Operator [AEMO], which is the expert on how the national grid is working. They must be so angry with AEMO's most recent report, which found that in the lowest cost optimal grid model—that is, the lowest cost to consumers and industry—dispatchable gas generation will be needed for a total of 13 hours a year by 2030.

What do those members see? They champion Prime Minister Scott Morrison dropping \$600 million of public money—and a report released today suggests that it will actually cost a minimum of \$900 million—to build a new gas-fired power station in Kurri Kurri that, by 2030, will be needed for 13 hours a year at most. That is \$900 million of public money for something that will be turned on for just over half of one day. You could not make this up. Those same members come forward and suggest that the answer to the energy revolution is back to the future. I recall seeing conflates of one particular party—I think it was Pauline Hanson's party—in the Upper Hunter by-election that actually had a picture of windmills with big red crosses on them and then a picture of a coal-fired power station with a big tick, as though that was seriously the party's view of the future. You could not make this up.

The good news is that this dark, black fossil-fuelled fairytale is coming to an end. It has no future. Yes, The Greens have some critiques about the pace at which public money, particularly, is being invested in what is needed for the grid. Yes, the privatisation of the electricity grid is creating real problems with getting dispatchable energy into the system. There is no question that the privatisation of TransGrid poses the real risk that major renewable energy projects like Snowy 2.0 could become stranded assets, and that is not working. We need to think about bringing back the transmission grid into public hands. We need to think about public investment. But what we do not need to do is think that the answer lies in the fossil record because it does not.

The Hon. MARK LATHAM (11:56): In reply: I thank each of the members who spoke in discussion of the matter of public importance. I particularly thank the Parliamentary Secretary, the Hon. Ben Franklin, for reminding us of another Matt Kean failure in delivery because it is a fundamental truth that the renewable energy zones for the Hunter-Central Coast and the Illawarra are not just proposals. They are legislated. They are law. They are the law of New South Wales. We are currently in a situation where Matt Kean cannot even deliver the law of the State. The Department of Planning, Industry and Environment website says that the Hunter-Central Coast and Illawarra renewable energy zones are under feasibility study to see if they can actually be delivered. They got so far ahead of themselves in the mad scramble that started with Michael Johnsen, formerly the member for the Upper Hunter, saying that the Hunter should have a renewable energy zone in a *When Harry Met Sally ...* competition—"I'll have what she's having"—that everyone was getting a renewable energy zone. Those renewable energy zones were legislated as law, but Matt Kean cannot even deliver the law because they might not even happen unless the feasibility study can stack up.

How incompetent would a Minister have to be to say something is law but then go to the feasibility study? It would be common sense to do the feasibility study on whether it is possible and then legislate it. But "Wrong Way" Kean has got it upside down. It is so incompetent and so hopeless that it is being done in way where the law of New South Wales is not even being followed. In terms of the other proposition from the Parliamentary Secretary that Angus Taylor is part of the cooperative environment of the New South Wales Government electricity plan, that was the most laughable thing since the next *Borat* movie. Speaking of fake actors in video productions, where was Angus Taylor in Matt Kean's glorious five-minute achievement video? Mike Cannon-Brookes, who is funding a campaign to get rid of Angus Taylor in the electorate of Hume, was in there. Where was Angus? The Minister had enough actors in there. Poor old Phil Ruddock looked like he had come straight out of Madame Tussauds for this particular production. It was five minutes of Matt Kean talking to Matt Kean about how good Matt Kean is.

The Hon. John Graham: It felt like five minutes; it was actually only two.

The Hon. MARK LATHAM: It was only two? It felt like an eternity. It was the stiffest, the most staged and stilted acting performance since Dolph Lundgren in *Rocky IV*. None of it was credible. It was entirely fake. The whole thing was as fake as the proposition that Matt Kean is delivering anything for pumped hydro, as was put by the Parliamentary Secretary.

The documents say very clearly that on pumped hydro they are off track. In fact, the documents point to something that the honourable member alluded to—that is, they are having to go to plan B. The funding grants scheme that he foreshadowed is a reflection of the failure in this document because the document says that in getting the pre-investment pumped hydro studies we are going to have to go to a new grants scheme. That is the one the Parliamentary Secretary was talking about. He is confirming the contents of those Department of Planning, Industry and Environment health-check documents, that they cannot get anyone to do a pre-investment study, let alone provide the real investment, to make pumped hydro happen after environmental impact studies where all The Greens will complain about building dams. The truth about pumped hydro is that the industry experts say it is only profitable for the private sector if both dams are already in place and all we are doing is the piping linkages. I will continue after lunch.

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

Questions Without Notice

RURAL AND REGIONAL SCHOOL STAFFING

The Hon. PENNY SHARPE (12:00): My question is directed to the Deputy Leader of the Government, Minister for Education and Early Childhood Learning. What is the Minister's response to community, teacher and parental concerns that high school teachers in Lithgow, Orange, Kandos, Walgett and Gilgandra have been forced to strike because the Government is not fixing long-term staffing shortfalls in regional New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00): I thank the honourable member for her question. In relation to some of the stop-work action that we have seen recently, in line with comments I made earlier in some local media today, I will put on record that the Department of Education is soon to commence negotiations with the NSW Teachers Federation for its new award. It would probably not surprise anyone in the Chamber that industrial action in the lead-up to a negotiation for a new award is not uncommon. It is important that we keep in perspective the overall staffing vacancies that we have in New South Wales. As I have said in this House before, we have more than 74,000 permanent teachers in New South Wales. The current vacancy rate is sitting at less than 2 per cent, but we continue to work with school communities when there are shortages.

I am certainly made aware of industrial action as it takes place, such as stop-work meetings when they occur. It is important to make the point that, even when we are advised of those, not all teachers take part in them. Not all teachers are members of the federation. Of course we take seriously any issues or concerns around staffing shortages. It would be fair to say that we need to address short-term issues in some schools when it comes to vacancies. We do that. The department works very closely with the individual principals and school leaders to address those issues based on the needs of those communities. I was in Narrabri last week, meeting with parents and teachers about some of their concerns around shortages at their local high school. The department is working directly with the principal to address those by targeting teachers to come in and provide extra teaching in the short term.

The Government is also looking at what we need to do long term in terms of our teacher supply strategy. Again, I have spoken about that in the House before and I will have more to say about that soon. I also note that commencements in teaching degrees are down significantly in New South Wales. The advice I have is that we have seen a 29 per cent decrease in five years. In 2019 only 6,780 students began their qualification compared to 9,620 in 2014. A lot of factors are driving that trend, including the perception of teaching as a career and the complexity around the role. We are also looking at things like what opportunities there are for career changers wanting to go into teaching from a different domain.

We are looking at a lot of things. As I have mentioned in the House before, we are looking at regional incentives in particular. We are also looking at what we can do for mid-career transition. We recognise that we are going to need to have a strong teacher supply going forward. In the short term, we will obviously work with schools to fill vacancies when they arise. I think it is important to keep that perspective in mind—the fact that our vacancy rate in our permanent teaching staff sits below 2 per cent across the State and that negotiations on an award are due to commence shortly.

The Hon. PENNY SHARPE (12:03): I ask a supplementary question. Will the Minister elucidate her answer by providing to the House the numbers of staff vacancies at Lithgow, Orange, Kandos, Walgett, Gilgandra and also Narrabri, which she spoke about in her answer?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:04): I am happy to take that question on notice. The member might also be interested to know that there was a question on notice, which I believe has been lodged or is going to be lodged shortly, which also lists the vacancy rates at particular schools. If that has not been lodged yet I will obviously let the member know. But I am happy to take the question on notice and come back to the Hon. Penny Sharpe with exact numbers for those particular schools.

The Hon. MICK VEITCH (12:04): I ask a second supplementary question. Will the Minister elucidate her answer with respect to the review into regional incentives and advise when that will be released?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05): I thank the honourable member for his second supplementary question. As I think I mentioned earlier in the week, I am awaiting the outcome of that review and expect it shortly—I would say within the next few months. I had anticipated to have it by now but we decided to do some further consultation with school communities and principals that I spoke about recently. It is certainly a matter of urgency that we get that response back and look at what we can do. In relation to that review, it is not in any way about lessening the incentives that are available for teachers. It is about looking at what we have been doing for a number of years and what works and maybe what we can improve. It is important that we get that feedback from our teaching communities about what attracts teachers and what retains them, speaking to final year university students and saying, "What would it take to help you to go to regional New South Wales?"

I might have mentioned previously that I was in Broken Hill speaking to teachers who were in the early stages of their degree. They talked to me about things like flexibility to be able to fly back to the Sydney area to see their family. Some of them have issues with their vehicles: When they are working in Sydney they can probably get away with a smaller car but if they are at Broken Hill or Wilcannia or Menindee they need an SUV or something that gives them a little bit more clout on the road. They are the kinds of things that we want to hear and consider because obviously a lot of financial incentives are in place. A lot of our harder to staff schools attract quite significant financial bonuses, yet sometimes we still have issues attracting staff. It is clear that money and salary is not always the answer.

We have had a good response to our FASTstream program—for which applications have recently closed. I will have more to say about that publicly soon. Again, offering people career progressions that include a regional placement is the kind of thing that we have to do. We have to expose city people to living in regional communities because we know that is what works. If they spend some time in the bush they are much more likely to stay. That is why that review is so important.

ARTS AND CULTURAL SECTOR

The Hon. LOU AMATO (12:07): My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the New South Wales Government is stimulating activity in the arts and cultural sector?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:07): I am pleased that 106 recipients are today being advised that they will share in \$4 million in funding from round two of the Arts and Cultural Funding Program. For our State's artists—creatives, musicians, writers and museum and gallery workers—this announcement comes at a critical time as the State emerges from COVID-19. The \$4 million in funding will leverage over \$21 million in total project costs and will also directly support the employment of over 8,300 artists and cultural workers. It will also enable audiences of more than 3.4 million people to experience excellent arts and cultural events and activities right across the State.

Over 279 applications were received in round two, including 213 project applications. Eighty one projects were funded, representing a success rate of 42 per cent—the highest project success rate since the reformed Arts and Cultural Funding Program came into place in 2019. In particular, \$635,542 will be provided directly to the contemporary music sector, including \$308,104 to 14 individual musicians. That builds on the New South Wales Government's support for musicians and live music venues this year. Over one-third of funded activities will occur in western Sydney and regional New South Wales.

Some of the grants include \$100,000 to Sport for Jove to support its Shakespeare carnival, a regional tour and in-school workshops; \$35,000 to Percussion Australia to support Boom! The International Festival of Percussion; \$60,000 to the City Recital Hall to support Singular Voices, a new contemporary music series featuring world-renowned musicians and local artists; and \$60,000 to Two Rivers to support Voices, the establishment of a Gamilaroi women's choir and a Gamilaroi youth choir to empower community through music and language.

The Hon. Shayne Mallard: Point of order. I am not sure if you heard it, Mr President, as it was sotto voce, but the Leader of the Opposition and the Deputy Leader of the Opposition are doing a tag match of sledging the Minister while he is trying to answer the question. I ask that they be called to order.

The PRESIDENT: I did not hear what the members were saying, but there was indeed a little bit of sotto voce. I remind all members that interjections are disorderly at all times. The Minister has the call.

The Hon. DON HARWIN: The grants also include \$38,000 to FLING Physical Theatre on the far South Coast to support the creation of *The Tent*, a new work exploring the intersection of dance, design and immersive performance; and, finally, \$50,000 to support the BAD Sydney Crime Writers Festival. Congratulations to all of the recipients.

SAFE SLEEPING PRACTICES

The Hon. JOHN GRAHAM (12:10): My question is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. Following the coronial inquest into the tragic death of seven-month-old baby Jack Loh and a finding that he was put to sleep in a bassinet before his death, against recommended childcare standards, what steps have been taken to ensure that no babies are put to sleep in similarly dangerous situations across all New South Wales childcare centres?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11): I thank the honourable member for his question. In March 2019 there was the tragic death of a child attending a family day care service. The department was notified on the day of the incident. It is absolutely heartbreaking and my thoughts and sincere condolences go to the family. I have expressed that to them and I am sure that all members of the House join me. The department worked with the police and has undertaken an investigation into potential regulatory breaches. The family day care provider in question has been shut down and a prohibition is in place to prevent the relevant educator, the person with management or control for the approved provider and the nominated supervisor from providing care.

Prosecution proceedings under the national law have commenced against the provider, the nominated supervisor and the educator. While the matters regarding the approved provider and nominated supervisor are still in progress, the educator was sentenced in July 2020. I cannot comment further on any specifics in relation to the circumstances surrounding the child's death while court proceedings are ongoing and due to the requirements of the national law and regulations which limit the public disclosure of information. I note that coronial proceedings have commenced. The Coroner is the appropriate body to consider the issues surrounding the death of the child.

We have been fully supporting the work of the Coroner as required in preparation for the inquest. Given the complexities and the coronial proceedings that are underway, that is all that I am able to say at this stage.

The Hon. JOHN GRAHAM (12:12): I ask a supplementary question. Will the Minister please elucidate her answer regarding awaiting the outcome of the coronial proceedings? Why is the Minister waiting for that outcome if it is possible that other babies may be in similar circumstances if the guidelines are not followed in other childcare centres?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13): As I said in my earlier response, this is a matter that is currently under coronial investigation. The advice I have from my department is that it is not appropriate to offer further commentary in relation to this matter while the current proceedings are taking place.

The Hon. COURTNEY HOUSSOS (12:13): I ask a second supplementary question. In her answer the Minister referred to the national guidelines that apply to sleep standards. Will the Minister elucidate her answer and explain to the House whether she has sought advice about whether New South Wales could implement stricter sleep standards?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14): Obviously under the national law there are a range of requirements for services when it comes to safe sleeping practices. It is a very serious issue and I am hesitant to say anything that may in any way impede any investigation or court proceedings that are taking place. I will say more broadly that in other States and jurisdictions there have been coronial proceedings that have led to changes in the national law. We need to await the conclusion of the process that is underway, let that run its course, and move on from there. As I have said, the advice I have received is that there is really nothing else I can say at this point as it may impact upon the legal proceedings.

YOUTH MENTAL HEALTH AND SUICIDE

Ms CATE FAEHRMANN (12:14): I direct a question to the mental health Minister. On 3 June the Minister was quoted in *The Land* as saying:

Murrumbidgee Local Health District has six Specialist Community Mental Health Drug and Alcohol Services ...

She also said:

There is no waiting list, no referrals are required and anyone can be linked to the service by phoning Accessline ...

Last month two teenagers aged 17 and 14 and one child aged 12 tragically took their own lives in the Murrumbidgee Local Health District. Will the Minister advise whether these young people were able to access and receive support via the LHD's mental health access line in the hours or weeks before their deaths?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:15): I thank the honourable member for her question and I am deeply concerned about the recent suicides that have occurred in the Murrumbidgee area. Any life lost to suicide is an absolute tragedy and I acknowledge the devastating impact that it has on not only the family but also the community. It is devastating and I believe that every member in this place would share that view. The Murrumbidgee suicide prevention and postvention committee is a multisystem multiagency local response. It includes the local health district and non-government organisations such as Wellways, the primary health network, headspace, NSW Police Force and the Department of Education, and they are all working urgently to provide support for young people and their families in order to change the messaging around suicide in the community.

There are direct supports for students, staff, parents and schools as well as education forums. Recently it was announced in this House that there are specific education forums for parents run by headspace to talk to them about how to talk to their young people. As well as having someone to comfort them in their pain, families touched by suicide also need practical support. The Wellways after-suicide support service is working to connect bereaved families with support. To answer part of the member's question, the Murrumbidgee Local Health District has 101 full-time equivalent specialised mental health trained staff and multidisciplinary teams in six community mental health and drug and alcohol teams across the district. They are based in Deniliquin, Griffith, Temora, Wagga Wagga, Young and Tumut.

The teams include a mix of full-time nurses and allied health professionals, as well as other consumer peer workers, family and carer support workers, Aboriginal mental health trainees, mental health support workers, farming community counsellors and clinical leaders. In terms of access to support in Griffith, which I believe the member asked me about, the community mental health services provided also have 27 specialist mental health workers. I am advised that there is no waiting list for access to that service. The honourable member also talked about calling the mental health access line at any time to access services. One thing I will say is that we absolutely need to talk about suicide and we need to have questions asked. What I must say and what I must emphasise very

seriously in this House is that when we talk about this we need to talk about the services that are available. There are services available and people can ring the mental health support line at any time. They can ring Lifeline. They can ring Kids Helpline. People need to know that there are services available to help them when and where they need it.

Ms CATE FAEHRMANN (12:18): I ask a supplementary question. I thank the Minister for the answer to the question. Will the Minister elucidate in relation to the mental health access line: Are they able to access an actual person at the end of that line at all times or is there a recorded message? What is at the end of that line and how often is an actual person there?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:19): I thank Ms Cate Faehrmann for her question and state that people are available on the lines, but the honourable member would know that it is a legal requirement for there to be prerecorded messages at the start of telephone lines to provide the appropriate advice. Recently the telephone access line operators have greatly increased their capacity and their time to answer calls. The advice I have received is that on the majority of occasions those calls are answered within 30 seconds. It is a requirement to have prerecorded information available about the legal requirements of that line. Clinicians and specialists on the Mental Health Line are ready to triage and do their job. We have the Mental Health Line, Lifeline, Kids Helpline and numerous other services.

The message to our community must be that the services are there. We encourage people to put their hand up and access help. Services can help you, and the Mental Health Line is one of many. Calls to the NSW Mental Health Line are answered by mental health clinicians such as nurses, psychologists and social workers. They have experience working in acute mental settings conducting mental health assessments. They are good people. They are there to help those who are often in their darkest days. They are providing a very good service and working very hard. Those access lines and services are available to anybody who needs them. I encourage all members in this House, with the platform that they have as elected representatives of the people of New South Wales, to have those services readily visible for people to see so they can access them.

ABORIGINAL CHILDREN'S EARLY EDUCATION STRATEGY

The Hon. CATHERINE CUSACK (12:21): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on what action the New South Wales Government is taking to support Aboriginal children enrolling in early childhood services?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:21): I thank the Hon. Catherine Cusack for her question. I am excited to inform the House that last week we launched First Steps - the NSW Aboriginal Children's Early Childhood Education Strategy 2021-2025 out in Brewarrina. I thank Aunty Frayne and her staff from Gainmara-Birrilee Preschool, who very generously hosted us, but also the Elders, families and community members who came to be a part of the event. The First Steps strategy, from concept through to design, has been led by the voices of Aboriginal people and is about actions, not just words. I also acknowledge and thank the Aboriginal Early Childhood Advisory Group, which co-designed this strategy with the NSW Department of Education.

The vision of the New South Wales Government is that all Aboriginal children in New South Wales can access quality early childhood education and are supported to embrace their culture and identity for a strong start to lifelong learning. The First Steps strategy is a five-year plan that solidifies our commitment to ensuring the best educational outcomes for Aboriginal children. This strategy provides a clear road map to achieving the best outcomes for Aboriginal children aged nought to five years and supports the renewed reform under Closing the Gap. The evidence shows us that Aboriginal children have better educational outcomes when their education enhances their identity. This strategy shows our commitment to enhance Aboriginal children's education from the very beginning of their educational journey to ensure that they are in a safe and nurturing environment. We want to ensure that every Aboriginal child and family feels welcomed and that their culture is valued at their early childhood service.

In New South Wales we have seen growth in Aboriginal enrolments from just under 60 per cent in 2016 to 83 per cent in 2019, which is a really promising statistic but we still need to do more. In this strategy we are aiming to have 95 per cent of Aboriginal children enrolled in the year before school by 2025; to ensure that at least 55 per cent of Aboriginal children are assessed as developmentally on track in all five domains of the Australian Early Development Census by 2031; and to ensure that 50 per cent of Aboriginal children in early childhood education in New South Wales will have access to an Aboriginal language program by 2025. With this strategy we are investing over \$23 million into a first phase of initiatives.

These initiatives include expanding the Nginganah No More Aboriginal languages program, which will increase opportunities for Aboriginal children to learn Aboriginal languages in early childhood education services.

The program has already led to over 14 different Aboriginal languages being taught in early childhood services, and with additional investment we plan on expanding and improving those language programs. We will also support Aboriginal families and communities to support their own children's developmental outcome through the Aboriginal Families as Teachers Program. In Lightning Ridge, just north of Brewarrina, this program has already supported Aboriginal families to provide their children the best start in life to ensure that they are ready for school. We know that we can work with other communities through an expanded program. I look forward to continuing this work with Aboriginal communities to make sure we support their children in New South Wales.

NATURAL RESOURCES ACCESS REGULATOR WATER FUNDING

Mr JUSTIN FIELD (12:24): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water, Property and Housing. The February board meeting minutes for the Natural Resources Access Regulator [NRAR] show the water regulator is seeking funding in the upcoming budget of \$27.5 million for the financial year 2021-22. NRAR has identified a risk to its budget as a result of a recent Independent Pricing and Regulatory Tribunal [IPART] determination. Will the Government guarantee NRAR will receive the full funding it has requested given the ongoing concerns around illegal water take and favourable treatment of irrigators, as highlighted in both the Matthews and ICAC reports, and the regulatory demands on the organisation, especially with regards to finalising the rollout of metering rules and floodplain harvesting licensing?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:25): I thank Mr Justin Field for his question addressed to Minister Pavey, who resides in the other place and who I represent in this place. I have a brief response to the honourable member's question. NRAR was established in 2018 and compliance costs increased to \$18.5 million in 2019-20. Water user charges for compliance have not increased outside of IPART-approved escalations since the IPART 2016 determination, so water users are currently paying approximately 25 per cent of NRAR's compliance costs with government funding the balance. The Government has made a submission to IPART, which states:

If IPART determines to limit annual price increases as we have proposed, then the proportion of the total cost expected to be paid by users will decrease and the amount expected to be paid by government will increase.

The Government very much looks forward to IPART's final decision so it can consider the final determination. If the honourable member requires more elaboration on that answer I will take that part on notice and get back to him as soon as possible.

CONCORD HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (12:26): My question without notice is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. What is her response to concerns from parents, staff and students at Concord High School that they are not being adequately consulted by her Government about the removal of exposed asbestos in the school's oval?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:27): I thank the Hon. Courtney Houssos for her question. Obviously she has asked a specific question about the removal of asbestos from Concord High School. I know that we have had some media inquiries about this recently, so I am aware of this issue and the advice that has gone out to those school communities. However, I will take the specifics on notice. In particular, she asked about what consultation has been had with school communities. As the member is well aware, we have canvassed a lot of issues in the past around asbestos. We have very clear processes in place regarding the removal of asbestos, making sure we follow all necessary guidelines and communicate to school communities when we do that. I will take the question on notice. I suspect I will come back by the end of question time with the information that I know I have—I just do not have it with me right now.

The Hon. COURTNEY HOUSSOS (12:28): I ask a supplementary question. In her answer the Minister spoke about the processes that are in place around the removal of asbestos. Given what has occurred at Concord High School, will she now review her processes about bonded asbestos, particularly in soil?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:28): As I said, I want to seek the information that I have. It is a little bit difficult to talk about what I would or would not do when I want to double-check the information about the removal of asbestos at that particular school. As I said, I will give an answer to the original question. If there is something from that answer that pertains to the member's supplementary question I am happy to take that on notice as well.

The Hon. MARK BUTTIGIEG (12:29): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she referred to not being aware precisely of the problem? Does that mean that the Minister has not received a brief on this issue to date?

The Hon. Sam Farraway: Point of order: I do not know how a second supplementary question can be asked when the Minister took the question on notice. The second supplementary question is out of order.

The Hon. Mark Buttigieg: To the point of order: The elucidation was specifically sought in response to an answer that the Minister gave to my honourable colleague regarding bonded asbestos. The Minister's response was, "I don't know because I'm not sure of the issue." I am asking for elucidation on whether or not she needs a brief.

The Hon. Sam Farraway: To the point of order: I do not recall the Minister saying that. It is not a second supplementary question; it is in fact new question.

The PRESIDENT: I uphold the point of order. It is a new question.

MEN'S MENTAL HEALTH

The Hon. SAM FARRAWAY (12:30): My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the New South Wales Government currently doing to support men's mental health?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:31): I thank the honourable member for his question. As I am sure all members in the Chamber would know, next week is Men's Health Week. It is all about raising the profile of men's health needs and promoting avenues to better health and wellbeing for our men. The fact that men in New South Wales live longer than almost anywhere else in the world—that means chances are pretty good in here, fellows—is testament to the incredible work of our health system and the many organisations who promote a healthy lifestyle and tackle chronic disease head-on.

However, we know that men face a number of unique risks. Tragically, three-quarters of suicides in New South Wales are by men. As mental health Minister, I can reassure members that the mental health of men and boys is a priority for the New South Wales Government. That is why since 2016 our Suicide Prevention Fund has supported eight programs that have a focus on men, including the Next Steps suicide attempt response team in Illawarra Shoalhaven; the HealthWISE suicide prevention initiative in the New England region; Kumpa Kiira Suicide Prevention Project in the far south-west of New South Wales, with a particular focus on Aboriginal people; and the ACON suicide prevention initiative, with a particular focus on gay and bisexual men.

Our fantastic community gatekeeper initiative is all about training over 10,000 people to provide community-based suicide prevention support to other members of the community. Gatekeepers are trained to recognise signs that someone may be struggling and can create opportunities to safely talk about their thoughts and feelings. The Master Builders Association of NSW has been delivering this training to the heavily male populated building and construction industry as one of 13 funded organisations. Aboriginal men and men living in rural and regional areas will also receive the training, which is heavily targeted towards men. I encourage all members to watch the feature on the ABC on Sunday night to learn more about this incredible program and hear some of the moving stories. That is a tremendous story from the ABC on mental health initiatives.

This week I joined the Treasurer to announce a \$36.4 million package for response and recovery specialists across regional and rural New South Wales, which will be included in the 2021-22 New South Wales budget. We know that regional men, including our farmers, have a higher risk of suicide than anyone else. We know that families and people have been doing it tough in those areas, facing drought, bushfires, COVID-19 and now a mice plague. Those specialists provide mental health counselling, coordination with local services and communities, and ongoing support to individuals and their families at locations of their choosing—whether at home or in the local cafe. This Men's Health Week, know that the New South Wales Government is supporting the mental wellbeing of our men and boys across the State. In the ABC program on Sunday night, Conor Duffy speaks to a young man who tells the story of his attempted suicide and how he got through it. It is essential viewing for everybody.

CIRCUS ANIMAL WELFARE

The Hon. EMMA HURST (12:34): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. It has been announced that the lions from Stardust Circus will be retired. Has the Department of Primary Industries been given any notification that those lions may be transferred to Amazement Farm & Fun Park, a petting zoo where Daniel Brighton, a man charged with impaling a dog to a tree with a pitch fork, works as a consultant to this business, which is also owned by his parents?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:34): I thank the honourable member for her question, which is directed to me, representing Minister Marshall who has responsibility for this portfolio and who resides in the other place. I do not have any detail about the lions. I will

take the question on notice and get back to the honourable member with the detail that she has requested as soon as possible.

SCHOOL INFRASTRUCTURE

The Hon. PETER PRIMROSE (12:35): My question is directed to the Deputy Leader of the Government, and the Minister for Education and Early Childhood Learning. Given that the New South Wales Auditor-General stated that the Government "did not have committed funding to build enough classrooms to accommodate the growing need for public education infrastructure", what is the Minister's response to concerns that she cannot deliver the classrooms to cater for the additional 140,000 students starting school in the next decade?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35): I thank the honourable member for his question about the Auditor-General's report, and in particular the demand for schools and school infrastructure in the coming years. I note that the Auditor-General recognised the significant amount of funding that the Government is putting into school building. In fact, that is why the report was done, to look at school infrastructure processes and to make sure that things were being done as well as they could be, given the significant investment in school infrastructure in this State.

We are very committed to our school infrastructure rollout. Current figures show \$7 billion is going to 200 new and upgraded schools. We are a government that delivers on our promises, but we are also a government that has a strong track record when it comes to building and delivering school infrastructure. The community knows and can see that. I go everywhere to open new and upgraded schools. Every term more are being done and completed. We have more in planning, more under construction and a big pipeline of them coming through. It is very clear to the local communities across New South Wales that we are a government that invests and prioritises school infrastructure.

The Hon. John Graham: Is the Auditor-General wrong?

The Hon. SARAH MITCHELL: We are currently overseeing the biggest investment of school infrastructure since Federation.

[Opposition members interjected.]

We are building schools. I appreciate the advice from members opposite. I am quite happy with our track record when it comes to investing in schools and school infrastructure. Many of our schools are seeing the benefit of this funding. It is a privilege and pleasure in my role as education Minister to visit our new and upgraded schools, to see the difference it makes to teaching and learning. I am proud of our track record of delivery. The member has asked about community concerns that we will not have enough school classroom spaces in the next 10 years. The community will judge us on our track record of delivery in this space, which is strong. There is also a budget coming up in a few weeks. Perhaps there will be more to say about investment in school infrastructure at that point.

The Hon. PETER PRIMROSE (12:38): I ask a supplementary question. Will the Minister elucidate on her answer? She mentioned community concerns, which I had raised. I also mentioned the Auditor-General's report. In fact, it was School Infrastructure NSW that was quoted by the Auditor-General as expressing concern about the shortfall. How does the Minister respond to the concerns of School Infrastructure NSW?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:38): In response to the member's question, the whole point of the work that the Auditor-General has done is because we have a record school building program. The Auditor-General made a number of recommendations about the way to manage things going forward, which the department has accepted. As I said, we are delivering schools. We are building and upgrading schools. We have delivered far more on this side of the Chamber than those opposite ever did. I am very confident with our school building program and what we will be able to provide for communities, both now and in the future.

SYDNEY SOLSTICE EVENTS

The Hon. WES FANG (12:39): My question is addressed to the Minister for Finance and Small Business. We know it is a Thursday. How is the New South Wales Government supporting economic recovery in the Sydney CBD through the Sydney Solstice and beyond?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39): It is good to get a question on a Thursday. We like Thursdays. It is a pity that the former shadow Treasurer, the would-be shadow Treasurer or the people who are usually auditioning for roles in the new Cabinet are not here today. They are all auditioning. I heard the Hon. Rose Jackson on the radio this morning. She was auditioning. She is pretty

well qualified; I am sure she will get a gig. While we are on a pathway to a prosperous post-pandemic economy, the Sydney CBD is still suffering from the impacts of COVID-19.

The Hon. Daniel Mookhey: Because you have done nothing.

The Hon. DAMIEN TUDEHOPE: Come on. That is harsh. We are committed to increasing foot traffic and activating this precinct to support local businesses. The Sydney Solstice is a 13-day celebration with 200 events involving hundreds of artists, chefs, musicians and performers at more than 150 venues across four precincts, including The Rocks and Darling Harbour. There is plenty to do. We can boogie at the Pool Club this Saturday night, enjoy the Flavours of Opera Kitchen—

The Hon. Penny Sharpe: Interpretive dance. Get the video.

The Hon. DAMIEN TUDEHOPE: Yes, I am looking forward to it. Flavours of Opera Kitchen is a two-day food festival on 19 and 20 June. We can watch the top 20 singer-songwriters battle it out at The Rocks as well as a series of live performances across six venues. I know the Sydney Solstice event that those opposite are most looking forward to will be on Tuesday 22 June. It is the hottest event in town. That is when we will all see the light after this long winter because the Treasurer will deliver the budget. It does not end there. That will be followed by Winter in the Domain, which is a festival experience showcasing music, culture and entertainment in the green heart of Sydney. From 25 June to 18 July, The Domain will be transformed into Winterpark with activities for all ages, including ice skating and show rides like Slingshot and The Aviator—I will be taking my kids to that—as well as heated spots for after-work drinks.

In the Big Top, a huge live performance tent, people can enjoy a fantastic range of live music from Matt Corby, Dope Lemon, Hot Dub Time Machine—where did we get these names from?—Peking Duk, Missy Higgins, Dan Sultan, The Presets and many more. With apologies to The Presets—the Australian electronic music duo that I am sure honourable members opposite are familiar with:

This Boy's in love, love
This boy's in love
Under city, under [Sydney] lights

We've come so far but there's still a way to go
It's dark, there's no need for lights
When the fire [of Sydney Solstice] is so bright."

SYDNEY INTERNATIONAL EQUESTRIAN CENTRE

The Hon. MARK LATHAM (12:43): Where is Red Symons when you need him? I have got Daryl Braithwaite's *The Horses*. My question is directed to the sport Minister. I draw the Minister's attention to the awarding of a tender for a new arena surface at the Sydney International Equestrian Centre by the New South Wales Office of Sport to Barrie Smith Motorsport that involved multiple conflicts of interest with Equestrian NSW [ENSW] and the use of second-hand, contaminated arena materials drawn from the Robertson Wallaby Hill property owned by the ENSW board member Alexandra Townsend. Given that Ms Townsend and the son of ENSW president Peter Dingwall benefited financially from this illicit deal and to this day ENSW enjoys a preferential peppercorn rent at the Sydney International Equestrian Centre, will the Minister now establish a proper professional arm's length relationship between Equestrian NSW and the Office of Sport by removing Equestrian NSW from the equestrian centre?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:44): I thank the honourable member for his question. It is great to finally get a question today. I am pleased that he has taken interest in one of my portfolio areas of sport. He has asked about the Sydney International Equestrian Centre. I will endeavour to provide the best information available to me, noting that it is not something that has happened in the last week since I have had the privilege of taking up this role. However, I will do my very best. Concerns regarding the procurement process for the surface arena upgrade at the Sydney International Equestrian Centre have been raised with the Office of Sport. I am advised that the tender advisory panel comprised individuals from the equestrian sport sector, including Equestrian NSW.

In March 2020 the chief executive of the Office of Sport commissioned an independent probity review into the tender process. The review was conducted by O'Connor Marsden & Associates, they are well-known probity advisers across many governments. The independent probity review found that the process was consistent with the Office of Sport procurement manual. In May 2020 the chief executive of the Office of Sport sent the independent probity review to ICAC. On 1 December 2020 ICAC advised that it would not be investigating the matter. ICAC did advise that there were a number of matters but the Office of Sport has subsequently strengthened its procurement processes, including conflicts of interest declarations, which I think the member specifically asked about.

The Hon. MARK LATHAM (12:45): I ask a supplementary question. Will the Minister elaborate on her mention of the probity review by the Office of Sport? Why did it not include the now established fact that in trying to upgrade the surface at the Sydney International Equestrian Centre the materials used were second-hand, contaminated arena materials drawn from the Robertson Wallaby Hill property owned by Equestrian NSW board member Alexandra Townsend? Given that this has now been established, will the Minister order the Office of Sport to conduct a new probity review and also notify ICAC of this development which clearly points to problems in the tendering process and the materials used?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:46): I thank the honourable member for his supplementary question and his interest in this important arena. It is important that we develop equestrian centres and centres to support our sporting groups of all natures, not just State of Origin, and ensure that we are supporting all of them in those important matters. The honourable member has asked about some very specific matters. In relation to the surface following the upgrade, I am advised that to ensure that the indoor arena is suitable for events, the Office of Sport maintains and prepares the surface as per the installer's instructions and consults with the event organiser's field of play coordinator before and during events as well as during practice and warm-up sessions.

The Hon. Mark Latham: Point of order: The supplementary question did not go to who they consult with to organise events. It went to the fact that the materials for this surface at the Sydney International Equestrian Centre have been drawn from the property of a board member at Robertson Wallaby Hill that were contaminated, second-hand and not fit for purpose. Will the Minister refer a new examination of that to the Office of Sport probity review and onto ICAC?

The Hon. Shayne Mallard: To the point of order: The Hon. Mark Latham referred to materials not being fit for purpose. The Minister was going to the area of fit-for-purpose checks on the materials.

The PRESIDENT: I thank the Government Whip. I believe the Minister's comments were introductory. The Minister will now answer the question directly.

The Hon. NATALIE WARD: I note that the Office of Sport engaged with all of the parties in a detailed way and took the matter to the ICAC and sought advice on that. I am advised that the field of play coordinator was consulted. There is also a rider's representative for dressage events, who also reports back to the event organiser. The surface has received positive responses, and they have not received any documented details of injuries caused. As to the specifics regarding the components of that service, I am not advised on that matter. I will endeavour to obtain an answer for the honourable member, if that is available. It may not have been something that was included but I will endeavour to ascertain information and get back to him. However, I note that the Hon. Mark Latham was invited to inspect the arena with the Office of Sport and declined that information.

The Hon. DANIEL MOOKHEY (12:49): I ask a second supplementary question. Will the Minister elucidate the part of her answer when she referred to a probity review undertaken by the Office of Sport? Who undertook that probity review? How was that company or firm selected?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:49): I thank the honourable member for his interest in the reviews conducted. I am advised that the review was conducted by O'Connor Marsden & Associates—very well-known probity advisers. They found that it was consistent with the Office of Sport procurement manual and that they would not be investigating further. They strengthened the procurement processes. They engaged independent inspection and assessment advisers, Ms Mary Seefried and Mr John Vallance, who is a Federation Equestre Internationale jumping course designer. They were asked to conduct an independent inspection and assessment of the safety and standard of the indoor arena surface.

SOUTH WESTERN SYDNEY SCHOOL INFRASTRUCTURE

The Hon. MARK BUTTIGIEG (12:50): I direct my question without notice to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given in south-west Sydney birth rates increased by 15 per cent in 2019 and that the region's population is projected by the Government to grow by more than 400,000 in the next 15 years, why was Oran Park Public School built for only 1,086 students when its enrolments are now over 1,500 students and when 15 demountable classrooms exist on its playground?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51): I thank the honourable member his question, which recognises, quite rightly, the growth of communities in south-west Sydney. It is certainly a booming part of New South Wales and that is why it has been definitely a focus of our infrastructure commitments when it comes to building and upgrading schools. I have been out there many times with local members. In fact, I mentioned it my Dixier yesterday, if anyone was listening—maybe not. Maybe we kid ourselves that people listen. I referred to being in Wollondilly and Camden with Peter Sidgreaves and Nathaniel Smith and the upgrades we are completing in those communities.

As the honourable member is aware, we look not just at individual schools but also growth across regions, capacity and infrastructure opportunities. The Government is very well aware that this is an important area we need to invest in. Indeed, western Sydney would be the region where most money for school infrastructure has been invested. I do not want to state a figure because I do not want to get it wrong, but a significant amount of funding has been put into new and upgraded schools in western Sydney. I have just remembered: It is \$2 billion. In relation to future growth in the area and anywhere we need to look at demand, we are a government that builds and upgrades schools where they are needed. Particularly in that part of south-west Sydney, my message to the community is: Watch this space.

The Hon. MARK BUTTIGIEG (12:53): I ask a supplementary question. In the Minister's answer she referred to the area booming, that there has been significant investment and it is not just about individual schools. The implication is that there is enough investment in the area and we should not focus on particular schools. Could the Minister elucidate that part of her answer? Given the significant investment in the area, are we to take it that the school being 150 per cent oversubscribed is okay with her?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53): What is okay by me is the record investment that the Government is putting into schools in south-west Sydney, and indeed in all of New South Wales. As I said, we are a government that is building and upgrading schools where they are needed. We follow closely growth areas. Western Sydney and south-west Sydney are huge areas of focus for us. We have also built other schools in that region.

As I said, while we look at what we need to do in individual schools, we know that near the Oran Park Public School the opening of the Barramurra Public School on day one, term 1 in 2021 led to a significant reduction in demand on the Oran Park Public School intake area, which we know will alleviate future enrolment pressures. That is what we do. Rather than just looking at individual schools, we also look at where new schools are built, where upgrades are needed and where we can alleviate future enrolment pressures. However, as I said, western Sydney is and will continue to be a focus area for the Government when it comes to school infrastructure. There is a lot happening out there and there is more to come.

SPORT INVESTMENT

The Hon. TREVOR KHAN (12:55): My question is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister update the House on the New South Wales Government's investment in sport?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:55): I thank the honourable member for his question about sport and the Government's infrastructure. I take this opportunity to thank and congratulate Brad Fittler and our magnificent New South Wales Origin team on its stunning 50 to 6 victory over our northern neighbours. They need all the help they can get up there in Queensland. That is all I can say. There were numerous highlights from last night's stellar performance by Manly's own "Tommy Turbo" doing the New South Wales Blues jersey proud, crossing for three tries. I know the member for Manly, James Griffin, will be very proud of his local team. Turbo, in combination with Latrell Mitchell, was special. Latrell posted two four-pointers as the Blues ran riot. Speaking of Latrell, I highlight that he hails from Taree. Stephen Bromhead will be proud of his performance. That emphasises the value of sport to our regional communities and the opportunities that sport provides.

The Hon. Mark Latham: What about western Sydney players?

The Hon. NATALIE WARD: Just a moment, I am getting there. I am glad you asked. The Penrith Panthers provided no less than six players hailing from our west for the New South Wales Blues team with a seventh, Kurt Capewell, scoring Queensland's lone try. The combination of Penrith halves Jerome Luai and Nathan Cleary for New South Wales was breathtaking. Nathan added insult to injury by booting a perfect eight from eight, effectively kicking Queensland out of Townsville. On the subject of Townsville, I send congratulations to the 27,000-plus fans who filled the stadium to witness the New South Wales Blues' historic win. I send a very special thankyou to the Queensland Premier for hosting Brad Fittler and the New South Wales Blues team. They need all the help that they can get and we are happy to help them to acknowledge our great players.

As Freddy said, the job is only half done. It was great to see the calm and measured celebrations in the Blues dressing room after full time—positive signs that they are not getting carried away with their victory and that they will be ready to back up the performance in game two. We know it is a game of two halves and we know that sport is the only winner so I am pleased to run the ball up. The New South Wales Government is very proud of its investment in all sports. There are countless examples of how we as a government are making a real difference to the sporting lives of people in New South Wales.

The Active Kids voucher continues to provide cost of living relief for families and increase children's physical activity, which has a positive impact. We want to get kids off phones and onto the field. We know that by providing our Active Kids vouchers we are assisting families to do that, so that they can be the sporting greats of the future. Our regional academies of sport are vitally important and they continue to work alongside the State's sporting organisations to ensure that we can take the development of our regional athletes in their own communities very seriously.

CHILDREN'S GENDER TREATMENTS

Reverend the Hon. FRED NILE (12:58): My question is addressed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health and Medical Research. Given that the health Minister confirmed on 2 June, in answer to an earlier question from me, that the New South Wales Government supports practice that is consistent with advice from the Royal Australasian College of Physicians on care and treatment for children and adolescents with gender dysphoria, what contingencies has the Government made to pay potential future compensation claims to people who later regret taking Government-sanctioned childhood medical advice to have irreversible body and life-altering therapies performed on them?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:59): I thank Reverend the Hon. Fred Nile for his very detailed question. I have the privilege of representing in this place the Minister for Health and Medical Research, who resides in the other place. It is the remit of any health professional to make sure that they provide the best possible health advice at the best possible time to get the best possible outcome. That is the focus. Different people have different issues and needs, whether it is in the general health system or mental health. They fit intrinsically together. My specialty was in cancer nursing; others specialise in other fields. All health professionals remain focused on an individual's needs and requirements and there are many facets to what they do. We value very much the work of the members of the Royal Australasian College of Physicians. They are at the pinnacle of their professions and their specialties.

The provision of medical health care is consistent and always will be. It is not based on how people feel about an issue or how communities respond to an issue. The issue is one of health, and that is how as health professionals we approach every single person, without judgement or fear or favour. Health professionals prioritise the health needs of individuals in every facet of their treatment. In my career there were many times where I was faced with situations where perhaps personally I was not sure about the clinical decisions. But my focus was on what was right for that person at that time. Health professionals do not judge or influence; they provide people with the information they require and put them on the healthcare trajectory they need. I very much thank the honourable member for his question and I hope I have provided him with the detail he required. If the member wants me to take any matter on notice, I am happy to do so. I think I speak on behalf of all health professionals when I say that a person's health is the paramount, defining basis for care.

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

CONCORD HIGH SCHOOL

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:02): Earlier in question time the Hon. Courtney Houssos asked me a question about asbestos at Concord High School. I have found my note. The department is aware of reports that asbestos has been found on the oval at Concord High School and in other areas of the school. No pieces of material containing asbestos were found on the oval. Erosion of the topsoil had caused the geofabric, which covers the area that contains the in-ground asbestos, to be exposed. This area has now been re-covered with new soil and turf. The local School Infrastructure NSW office is working with a hygienist to provide a better solution for the encapsulation of the in-ground asbestos. Due to the nature of the works, the bulk of the work is to be undertaken in the 2021 summer vacation period.

Supplementary Questions for Written Answers

SCHOOLS AND ASBESTOS

The Hon. COURTNEY HOUSSOS (13:03): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister provide a list of the schools that currently have asbestos in their soil?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. COURTNEY HOUSSOS: I move:

That the House take note of answers to questions.

**CONCORD HIGH SCHOOL
RURAL AND REGIONAL SCHOOL STAFFING
SCHOOL INFRASTRUCTURE
SCHOOLS AND ASBESTOS**

The Hon. COURTNEY HOUSSOS (13:05): In question time today the Labor Opposition asked a number of questions about a range of issues affecting New South Wales schools. We asked about teacher shortages and the strikes and we asked about the teachers who are taking extraordinary action because of serious issues in Lithgow, Orange, Kandos, Walgett and Gilgandra. We asked also about the Auditor-General's report that was released a couple of months ago and, directly quoting from the report, the statement that the State is not building enough classrooms to meet demand. We raised serious concerns about the safety of students at Concord High School, with exposed asbestos present on the high school oval. What was the answer provided by the Minister? The Minister recited the same key lines that we hear every single time, "Things are fine. There is no need for a new approach."

We do not have enough teachers, we do not have enough classrooms and we have serious questions about the safety of students in our schools—but there is nothing to see here! I will go through each of the issues. On the issue of teacher shortages, a report released recently showed that we need 11,000 more full-time teachers in the next decade. We need to increase the number of teachers by 20 per cent just to keep at current levels. Yet the Minister in her answer today let it slip when she said that we are seeing a 29 per cent decrease in the number of teacher students commencing over the past five years. At a time when we need more teachers, we actually have fewer starting.

The Minister also said that the Government accepts the recommendations of the Auditor-General's report, except for the part that says the Government is not building enough classrooms. The Government is going to quibble over that part of the report and not believe it. Five years ago the Auditor-General told the Government that the State needed 7,200 more classrooms, but the Government does not have a plan to build them. The Minister can recite her key lines and talk about the schools that she is privileged and happy to visit. The reality is that if a student is lucky enough to get a new school, it will not be big enough to cater even for the existing enrolment growth, let alone for what will be required in the future. We have canvassed the issue of asbestos in schools extensively in the House. Today the Minister again tried to stand behind existing failed procedures. Those procedures mean that there is exposed asbestos on a school oval in New South Wales. It is totally unacceptable.

SYDNEY INTERNATIONAL EQUESTRIAN CENTRE

The Hon. MARK LATHAM (13:07): I take note of the answer given by the Minister for Sport, Multiculturalism, Seniors and Veterans concerning the Sydney International Equestrian Centre. I am glad we have a new Minister in this space because I do not believe her predecessor, Geoff Lee, was taking this issue seriously. His tactic seemed to be to divert attention by inviting me to the centre at Horsley Park, which I know very well. What would be the purpose of my inspecting a horse arena surface? I have no expertise in that area. There is nothing I can add to an assessment of it. My interest is not about inspecting a horse arena; it is about the probity and integrity. I doubt people in the National Party would even know much about it, quite frankly.

The Hon. Sam Faraway: I do.

The Hon. MARK LATHAM: The Hon. Sam Faraway can go out to the centre and report back to me. My interest is in the integrity of the process. The contract for the Sydney International Equestrian Centre upgrade went to a company where one of the financial beneficiaries was the son of Equestrian NSW president Peter Dingwall. Equestrian NSW CEO Bruce Farrar was found to be over-involved in the tender process at the Office of Sport. Geoff Lee was not too keen on releasing any documents to questions asked on notice, but we got him by using an order for the production of documents.

As a result of that order for the production of documents, it is now established that the materials used at Horsley Park were second-hand, contaminated arena materials drawn from the Robertson Wallaby Hill property, which was owned by a board member, Alexandra Townsend. Barrie Smith Motorsport does a substandard job at the Robertson Wallaby Hill property, the board member is not happy with it, and they then take the materials and use them at Horsley Park. That is great for the board member; she has got free removal of the materials. But it is not so great for Horsley Park, where the tainted tender and contract process has ended up with second-hand, contaminated materials being used to upgrade the International Equestrian Centre. That is the substance of it.

Mention was made of the ICAC inquiry. O'Connor Marsden, the probity adviser, did not look at this sourcing of the material from Robertson, which is owned by board member Alexandra Townsend, and nor did ICAC. I will tell members what ICAC did report in the document that came forward in the Standing Order 52

request. On 1 December it wrote, "It appears that Mr Farrar, an Equestrian NSW potential and/or perceived conflict of interest became known amongst the Office of Sport staff. However, it appears that they were not formally documented and any plans set in place to manage them. Doing so likely would have reduced perceptions of corrupt conduct having occurred." The ICAC letter is available in the Standing Order 52 request. It further states, "Mr Farrar appears to have been responsible for conducting and/or relaying advice of the outcome of the service desk to the Office of Sport." This was an insider job using second-hand contaminated materials. There was a financial beneficiary linked to Equestrian NSW. I strongly urge the Minister to have all those matters re-examined.

SYDNEY SOLSTICE EVENTS

ARTS AND CULTURAL SECTOR

SCHOOLS AND ASBESTOS

The Hon. WES FANG (13:10): I take note of the answer given by the Minister for Finance and Small Business to my question about the Sydney Solstice. It was fantastic to hear about some exciting initiatives to revive the Sydney CBD as we continue our economic recovery from the pandemic. The Minister mentioned just some of the 200 events of Sydney Solstice, which is a 13-day festival of art, music, food and drink, and sightseeing. One of the last events of the solstice is a moonlight kayak tour of Sydney Harbour. This is a great way to see Sydney with new eyes. The actual astronomical solstice will occur at 1.31 p.m. on Monday 21 June, when the sun reaches its southernmost point and begins its northward movement through the heavens. From then the days will get longer, brighter and warmer, while the nights get shorter. In fact, the very next day, as the Minister reminded us, the Berejiklian-Barilaro Liberal-Nationals Government will deliver the 2021-22 budget and light our way towards a brighter future as we drive our economic and community recovery forward.

The Minister also mentioned some of the top musicians performing in the Big Top - Winter in the Domain. For many people who have Dine & Discover vouchers—now showing an expiry date of 31 July on the Service NSW app thanks to the great Minister, Victor Dominello, who we all love on this side of the House—this is a fantastic way to get a \$25 discount to see some great shows and get dancing in the mosh pit again. I also take note of answers given by the arts Minister about cultural grants. In the electorates of Murray and Wagga alone we already have almost \$200,000. It is absolutely fantastic that while we are looking after the State culturally, we are still able to deliver programs like Sydney Solstice. I also note the scare campaign from Labor yet again. It is the same old Labor with scare campaigns about asbestos in schools. The Minister said that asbestos in schools would be handled appropriately by the right people and advice would be taken. What those opposite are doing is shameful. They do it only because they know they are on the back foot.

RURAL AND REGIONAL SCHOOL STAFFING

The Hon. ANTHONY D'ADAM (13:13): I take note of the answer given by the Minister for Education and Early Childhood Learning relating to staff shortages. There is a teacher shortage. Despite the Minister's attempts to highlight the industrial action being taken by the department's workforce on this issue and attribute it to some kind of agenda on wage negotiations, she cannot deny that there is a teacher shortage. It is not just in rural and remote areas; it is in metropolitan Sydney as well. A couple of weeks ago we asked questions about Concord High School, where there are teacher shortages. The Productivity Commission brought out a white paper recently and suggested that there should be a workforce strategy. Why has it taken this long? We have known that there is a problem for a long time. It is a supply-side crisis.

In her answer today the Minister spoke about declines in enrolments of teaching degrees. That is true. A lot of public attention is focused on how we deal with supplementing the incoming supply of teachers. But there is also a crisis on the other side of the ledger—that is, people leaving the profession. We know there is a demographic cliff heading our way, that there will be many retirements and that we will lose many teachers. But it is not just that; there is no focus on retention. No-one is talking about retention strategies. The department is not collecting data on this. It collects data relating to permanent teacher exits, but most people come into the system as casuals or temporaries and remain in that status for a long time. Some are casuals for five, six, seven, eight or even 10 years. When they leave the system, that is not recorded anywhere.

We are trying to stop them from leaving, but why would they stay? Teachers have more demands placed on them, more pressure, more complexity in the classroom and also more surveillance and data collection with less time to do the job and less autonomy. They are not trusted either. Why would they stay? We see attacks on their professionalism day in and day out. The Hon. Mark Latham has been leading the charge in attacking the professionalism of teachers and their professional judgement. The final issue is that the status of the profession can be elevated with a solution around wages, to which the Gallop report has pointed. But there is no pathway for that because of the wages policy of this Government.

ENERGY POLICY

The Hon. ROD ROBERTS (13:16): I take note of a written answer provided by the Leader of the Government to my question regarding the security of the New South Wales electricity network. I am not surprised by the answer given by the Leader of the Government; however, I have my suspicions that it was written by Matt Kean, the Minister for Energy and Environment. This is another example of the arrogant attitude this Government consistently shows against members in this place. I asked a serious question about the security of critical electrical infrastructure in New South Wales. Instead of providing an adequate response, the answer that I received attempted to deflect the question by accusing me of engaging in race-based politics. Not only is this not the case; it is a clumsy and lazy attempt at an answer. The Leader of the Government knows that this is not the case.

My question has nothing to do with race; it is to do with ensuring the security of critical infrastructure in New South Wales against foreign interference. When referring to Goldwind's expansion into the New South Wales electricity network, New South Wales Labor Senator Deb O'Neil told the Senate she was "deeply troubled" by the prospect of a major utility with access to critical New South Wales energy assets being owned by a company with ties to a foreign power. When commenting on his decision to ban Huawei from Australia's 5G network, former Liberal Prime Minister Malcolm Turnbull stated that it was simply laughable to think of Huawei refusing to comply if ordered by Beijing to act against Australia's interests.

The Australian Signals Directorate, our leading body on security and intelligence, spent more than eight months trying to find a way to make Huawei's telecommunications equipment acceptably safe but ultimately told the Turnbull Government the risk could not be contained satisfactorily. Liberal Government Minister for Finance Simon Birmingham recently stated that the Federal Government is ready to legislate to protect coal exports if the Chinese owners of the port of Newcastle attempt to interfere with shipments. Surely the Leader of the Government in this place is not accusing his Federal Liberal counterparts of engaging in race-based politics. It is quite easy to do when it is me. Let us see his answer in relation to that.

The Hon. Mark Latham: And Peter Dutton.

The Hon. ROD ROBERTS: I welcome the interjection. Yes, and also Peter Dutton's recent comments on similar things. Academics are also expressing their concern, with China expert Professor Clive Hamilton saying that Australia's electricity industry should be regarded as critical infrastructure:

Ownership of any part of the electricity industry by a company linked to the Chinese government is a risk to national security.

The Leader of the Government has his head in the sand, "Nothing to worry about and nothing to see here." His Federal counterparts seem to think otherwise. I put this Government on notice of the peril of allowing foreign powers to control our critical infrastructure such as our electricity network.

MEN'S MENTAL HEALTH

ARTS AND CULTURAL SECTOR

The Hon. SAM FARRAWAY (13:19): I take note of answers given by the Minister for Mental Health, Regional Youth and Women in response to my question regarding Men's Health Week and men's mental health in general. It is good to see Men's Health Week coming up next week, Minister.

The Hon. Bronnie Taylor: Hear, hear!

The Hon. SAM FARRAWAY: It is absolutely critical that we recognise that men—and there are many of us in this Chamber—have unique and often complex health needs. I am pleased to hear that the Government is making sure that those needs are being addressed through Men's Health Week next week. Acknowledging that mental health is just as important as physical health shows how far we have come in reducing the stigma that surrounds mental illness. The data is clear that men are well and truly over-represented in suicide statistics. I commend the Minister for particularly championing men and boys as a priority in so many mental health programs and initiatives right across New South Wales. We know that regional men have an elevated risk of suicide. It was pleasing to hear the Minister speak in the House yesterday about the \$36.4 million package to place 57 response and recovery specialists across regional and rural New South Wales. It is another excellent example of how the Liberal-Nationals Government is supporting the wellbeing of men in our regions and building what will be a safer and stronger regional and rural New South Wales.

I also take note of answers given by the arts Minister in response to a question from the Hon. Lou Amato regarding the stimulating activity in the arts and cultural sector. In acknowledging the Minister's answer, I place on record that Clockwork, which is a public art commission in Orange in the Central West, received a \$60,000 support grant through the Government's funding initiatives. The fantastic new digital art will be commissioned at the entrance to the Orange Regional Gallery. If anyone is going to Orange or is an art and cultural buff, the Orange Regional Gallery is absolutely fantastic. It is built in the cultural precinct just off Summer Street in the Orange

CBD. It is absolutely fantastic to see that this Government assisting the sector with funding opportunities. It is great to see that Clockwork, which is well and truly in train of being delivered in Orange, is one of those projects.

RURAL AND REGIONAL SCHOOL STAFFING

The Hon. MICK VEITCH (13:22): I take note of responses from the Minister for Education and Early Childhood Learning relating to staff shortages in regional schools. Unlike the Hon. Anthony D'Adam, I cannot talk about metropolitan Sydney because most of the approaches to my office have been about regional schools. I have met with individuals about it. A number of schools in regional New South Wales have substantial shortages in teaching resources. It is a real issue, particularly for HSC students and what it means for their studies. Schools are now combining two or three classes to try to accommodate the fact that they do not have enough teachers to teach their students. The real issue I raise is the shortage of qualified principals for a lot of schools in regional New South Wales. I am hearing of schools where short-term placement of a principal will last them one term. That principal will then go on to another school and another principal will come in. That is certainly not good for the leadership of the school, particularly in regional communities.

In country towns, the high school—and even a central school—is really important to that community. Parents are raising concerns with me about what that means for their children. At one function I met two school captains who flagged with me their concern that their school has not had a consistent principal in that critical leadership role for more than 12 months. That is a problem. If we want quality public education in regional New South Wales, we need the teaching staff and we need the support staff. But we also need the principals because the leadership provided by a capable and respected principal will drive the school not just for the current time but into the future. Their astute leadership will provide the vision that is required for those facilities.

We should all be very worried about the teaching shortages. Students will be unable to obtain an education in the public education system that they require at the HSC level and that will impact on their decisions and their capacity to get into university and whether they obtain tertiary and/or vocational education. The problem is too important for us not to address. It is not just about salary. When people move to those rural and regional communities, they will bring their spouse or partner with them and they will want to know what else is available in that community to support them. What is the health system like? How far is it to cultural activities? What are the sporting facilities like? What are the cultural facilities like? They are all critical elements of attracting capable leadership to our rural and regional schools.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TAYLOR MARTIN (13:26): What a pleasant question time we have had today. In fact, we have had a pleasant week. First, I take note of the question of the Hon. Lou Amato addressed to the arts Minister about the arts and cultural sector and how we are stimulating jobs in the arts sector. Funding of \$4 million has been announced for 106 recipients from round two of the Arts and Cultural Funding Program. That \$4 million in funding from the Berejiklian Government will leverage over \$21 million in total project costs and will directly support the employment of over 8,300 artists and cultural workers in that time. It will also enable audiences of more than 3.4 million people to experience excellent arts and cultural events and activities right across the State. The Government is backing the arts and cultural sector, and that investment will help to stimulate the whole sector as it emerges from COVID-19. It is just one area in which this Government is committed to jobs and jobs in 2021 as we rebuild out of this pandemic.

I further take note of the question of the Hon. Catherine Cusack that was addressed to the Minister for Education and Early Childhood Learning regarding the single biggest investment in the State's history for Aboriginal children in early childhood education. The results of the program speak for themselves. In the year after its introduction, the proportion of Aboriginal children enrolled for 600 hours in the year before school in all early childhood education settings increased by over 12 per cent—up from 80.9 per cent in 2016 to 93.1 per cent in 2019. Under this Government, more Aboriginal children are attending early childhood education and more funding is being invested than ever before because we recognise that access to two years of quality early childhood education before attending primary school supports critical physical, cognitive, social and emotional development.

I particularly take note of the answer given by the Minister for Mental Health in which she acknowledged the upcoming Men's Health Week. It is critical to recognise that men have unique and often complex health needs. I am very pleased to hear the many ways in which the Government is making sure that those needs are being addressed. Acknowledging that mental health is just as important as physical health shows how far we have come as a society in reducing the stigma around mental illness. Men are overly represented in suicides, and I commend the Minister for her championing of men and boys as a priority in so many mental health programs and initiatives across New South Wales to specifically address that tragic over-representation. It is known that regional men have an elevated risk of suicide, so I was very pleased to hear about the \$36.4 million in funding to place 57 recovery

and response specialists across rural and regional New South Wales. It is another fine example of this Government supporting the wellbeing of men in our regions and building a safer, stronger regional New South Wales.

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

Motion agreed to.

Written Answers to Supplementary Questions

NEW SOUTH WALES CULTURAL INSTITUTIONS

In reply to **the Hon. WALT SECORD** (09 June 2021).

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

The spend for the 12 months relating to 2019-20 and the 11 months relating to 2020-21 are \$2.1 million and \$2.6 million respectively. This represents 0.71 per cent and 0.89 per cent of the combined operating budgets respectively. The amounts provided include both employee related expenditure and other costs fundraising recorded by the major cultural institution.

The figures exclude Sydney Opera House.

The PRESIDENT: To suit the convenience of the House, I will now leave the chair. The House will resume at 3.00 p.m.

Members

PARLIAMENTARY SECRETARIES

The Hon. DAMIEN TUDEHOPE: I inform the House that on 9 June 2021 the Premier made the following appointments to the position of Parliamentary Secretary:

Mr James Henry Griffin, MP, ceased to be Parliamentary Secretary for the Environment and Veterans and was appointed as Parliamentary Secretary for Health and Veterans.

Ms Melanie Rhonda Gibbons, MP, ceased to be Parliamentary Secretary for Families, Disability and Emergency Services and was appointed as Parliamentary Secretary to the Attorney General and for Families, Disability and Emergency Services.

Ms Felicity Lesley Wilson, MP, was appointed as Parliamentary Secretary for the Environment.

The Hon. Maxwell (Shayne) Mallard, MLC, was appointed as Parliamentary Secretary for Infrastructure and the Aerotropolis.

Documents

SNOWY 2.0

Return to Order

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

Matter of Public Importance

ENERGY PROGRAMS

Debate resumed from an earlier hour.

The Hon. MARK LATHAM (15:02): In reply: I continue to inform the House about the nature of pumped hydro schemes. As I have mentioned, industry experts maintain that for a pumped hydro scheme to be economically viable you need to have two dams—one at the top and one at the bottom—and you only have to put in the pumping mechanisms and piping. Anything short of two dams and you will struggle. We know this from the Shoalhaven scheme experience where most of the infrastructure was there and the company decided it was not profitable and could not go ahead.

In his defence of the Minister, the Hon. Ben Franklin said that we should wait and see what happens with pumped hydro. But in fact the program health report from the Department of Primary Industries itself, the deep dive, did not say to wait and see. It has already seen and analysed what has gone on. It says about pumped hydro

and the other two programs under examination "code red", "off track", "insufficient evidence of the defined plan dependencies critical path", "minimal evidence that the program can be delivered" and "need to consider plan B options". We are not waiting and seeing. We know this is a dud. It has been reported inside the department as a dud. If it looks, walks and talks like a dud, then it is a dud. That is the basic truth of what has gone on here.

Furthermore, in answer to a question on notice in April, the Minister maintained, against all the facts and all the honesty that one could muster, that "the economic stimulus projects within the Environment, Energy and Science group are on track." No such thing is evident in the material I have provided in this debate. We are constantly told in response to the question of clean energy, the electricity road map, 100 per cent renewables and climate change to follow the science. I am a keen follower of science. Some days I do little else than follow the science and the evidence. Recently I read the informative quarterly essay of Alan Finkel, former chief scientist and a current clean energy adviser to the Federal Government. He is a big figure in this debate. In his quarterly essay, Mr Finkel pointed out that if Australia abolishes its 1.3 per cent global share of carbon emissions it will make zero impact on global climate and temperature. That just puts a lie to the assertions that Mr David Shoebridge and Mr Justin Field made in this debate that somehow Australia is going to be a big player.

If Alan Finkel, a respected figure, is saying that getting rid of our 1.3 per cent share makes no difference to global temperature and global climate then why would The Greens advocate yesterday to abolish 75,000 coal-reliant jobs in the Hunter Valley? In an environment where, according to the science, it is not going to achieve anything, why would their impact on the Hunter Valley be the need to build extra Centrelink offices? Why would The Greens impose upon working people in the Hunter Valley the misery of welfare dependency and long-term unemployment? Why would they go in there as economic wreckers to destroy blue-collar jobs, working families and whole communities when the outgoing chief scientist in this country says that if you get rid of the 1.3 per cent it has no impact—zilch, nothing—on global climate and temperature? What sort of barbarism are we talking about? For The Greens to dress it up as some form of social justice is a complete delusion the likes of which we rarely see in public office and public life.

In fact, I surprise myself by thinking there would be a moment when I would feel sorry for someone like Mr David Shoebridge who has this extent of delusion. It is the God complex of someone who thinks that he is going to save the world. Listen to his inflated rhetoric and level of delusion about what is going on. It is the God complex of thinking he is going to save the world by wrecking the Hunter Valley and, if he gets into the Federal Senate, wrecking Central Queensland as well. This cannot be allowed to stand. We have to be realistic. We have all these lectures about following the science: That is what the scientists are saying. Surely the argument is compelling for an energy mix—coal, gas, nuclear and renewables—to provide economic viability for working people who need a job and who need economic security.

All of the things that the Leader of The Nationals pointed out in question time so magnificently yesterday are the essentials of a good society. If we can do something about carbon emissions on top of that, it should be the secondary objective. With renewables, and with the nuclear power that The Greens oppose, we can do something on both sides of the equation. Nuclear has the capacity to provide baseload dispatchable power, economic and energy security for New South Wales and bring down carbon emissions. The Greens, with their God complex, ignore the obvious. Time after time we hear a privileged elite from Woollahra and a privileged elite from Milton—one Green, the other ex-Green—lecturing working people about how they have to make the sacrifice. There is no sacrifice in Woollahra. There is no sacrifice in Milton. They are not going to sacrifice their jobs or any of their lifestyle. It is only working people who cop it in the neck. That, unfortunately, is the sad story of what Minister Kean is doing as well.

In the future, people will be shaking their head to the point where it falls off. You have to wonder why Australia is going down the path of 100 per cent renewables, which is internationally regarded as a radical experiment, without any guarantee that pumped hydro will keep the lights on, that the battery technology is sufficient for the storage or that anything else is going to happen to provide people with jobs and economic viability into the future. Why are we literally the canary in the coalmine? As a nation, why are we going down the path of a radical experiment of 100 per cent renewable energy. The Minister in charge of the road map has driven into a cul-de-sac. According to the health report from his own department about these programs, particularly on pumped hydro, it is a dud.

I plead for following not only the science and the evidence but also the prudence of proper economic management and that we do not become the international case study for a radical experiment. We should ease into this with an energy mix that achieves both sides of the equation of job security and energy security and also the environmental objectives. We can do a lot better. The Minister has been outed not only as incompetent but also dishonest. It is a shame that any Government member defended this policy. Some things in public life are indefensible. What we have in these documents is an example of that, as the Hon. Trevor Khan is acknowledging.

Some things are indefensible. I know they are paid good money to defend it. We all love the Hon. Ben Franklin. He is a wonderful descendant of Australian greats but he did not live up to their reputation today.

Discussion concluded.

Documents

NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY

Tabling of Documents Reported to be Not Privileged

The CLERK: According to paragraph (1) (a) of the resolution of the House this day, I table a document identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 2 June 2021, on the disputed claim of privilege on papers relating to the Narrandera to Tocumwal Rail Line Reopening Feasibility Study.

Bills

ELECTORAL LEGISLATION AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL 2021

First Reading

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

The Hon. DON HARWIN: 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. DON HARWIN: 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.

Second Reading Speech

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:15): I move:

That this bill be now read a second time.

The Electoral Legislation Amendment (Local Government Elections) Bill 2021 introduces important amendments to facilitate the upcoming local government elections in September 2021. Firstly, the bill amends the Electoral Funding Act 2018 to expand the circumstances in which a party agent can choose to be responsible for electoral expenditure and donations disclosures on behalf of endorsed candidates, councillors or groups. Part 3 of the Electoral Funding Act requires electoral participants to disclose information about political donations and electoral expenditure to the NSW Electoral Commission. The rules setting out who is responsible for making those disclosures are set out in section 14 of the Act. For local government elections, the Act currently provides that candidates, councillors and groups are generally responsible for making their own disclosures, including those who are members of a registered political party.

This is unlike the requirements for State government elections where a party agent is automatically responsible for the disclosures of endorsed candidates, members of Parliament and groups. A party agent can choose to be responsible for the disclosures of candidates, councillors or groups in a local government election but only with their consent—that is, the party agent can opt in to being responsible for disclosures after negotiating an agreement with the relevant councillor, candidate or group. The proposed amendments in the bill make a minor adjustment to these requirements. In addition to being able to opt in with consent, a party agent will also be able to opt in to being responsible for disclosures, without the agreement of the relevant councillor, candidate or group.

These amendments will result in disclosure requirements for local government elections—or at least an option existing—being more closely aligned with State government elections, where a party agent has greater control over the disclosures of endorsed candidates. The changes are also expected to reduce administrative inefficiencies experienced by parties and candidates by allowing party agents to become responsible for an endorsed candidate, councillor or group's disclosures without the administrative burden of first negotiating an agreement. It is also important to note that being responsible for disclosures triggers other responsibilities in relation to electoral expenditure and donations under the Electoral Funding Act. For example, where a party agent is responsible for the disclosures of a candidate, the party agent also becomes responsible for accepting donations made to the candidate and paying those donations into the party's local government campaign account.

As a result, the increased flexibility for party agents to take control of disclosures will in turn mean that party agents have greater scope to oversee campaign finances in local government elections. This option will be an important integrity measure to ensure that those with the ability, experience and know-how are able to run campaigns for their candidates in full compliance with the Electoral Funding Act. It will mitigate against the risk that candidates, with less experience and familiarity of obligations under the Electoral Funding Act, will fall foul of the Act's disclosure requirements. The bill also makes changes to the Local Government Act 1993 to respond to challenges associated with the COVID-19 pandemic. This bill contains several measures to clarify the intended operation of the Local Government Act 1993 in circumstances where local government elections are postponed and to ensure the NSW Electoral Commission can conduct COVID-safe elections, if necessary, in September.

Early in the pandemic this Parliament passed a package of emergency measures to address a range of risks posed by the pandemic. One of the key risks that needed to be addressed was the potential for the local government elections, which were due to be held in September 2020, to be an event in which large numbers of people will congregate in and around polling stations and raise the risk of COVID transmission. In response to this risk, honourable members will recall that section 318B of the Local Government Act was amended to empower the Minister for Local Government to order the postponement of elections if the Minister believed that it was reasonable to order the postponement, having regard to the COVID-19 pandemic. Orders were subsequently made under section 318B postponing the September 2020 local government elections to 4 September 2021.

Before the elections were postponed, councils wanting to engage the Electoral Commissioner to administer their elections were required under section 296 of the Act to resolve by 1 October 2019 to enter into an election arrangement with the commissioner for the administration of their election and to enter into the arrangement by 1 January 2020. All but two councils have entered into such election arrangements with the Electoral Commissioner under section 296. Section 296 (2) provides that if such an arrangement is entered into, the Electoral Commissioner is to administer elections of the council in accordance with the arrangement. Of course, at the time councils entered into election arrangements with the commissioner under section 296, no-one had heard of COVID-19 and the arrangements councils have entered into with the commissioner do not reflect the need to ensure their elections are conducted in a COVID-safe way. Since the arrangements were entered into, public health orders have been made and guidance issued on social distancing in response to the COVID-19 pandemic that restrict activities that we would once have taken for granted, including the conduct of elections.

In the case of the upcoming local government elections, regulations are currently being prepared to expand the eligibility criteria for pre-poll and postal voting to allow the commission to ensure appropriate social distancing is observed at polling places without disenfranchising electors. One of the key and enduring amendments being made to the regulation in response to the COVID-19 pandemic will make technology-assisted voting available at local government elections for the first time in September. This will operate at local government elections in the same way it does at State elections. Of course, none of this was contemplated at the time councils entered into election arrangements with the commissioner for the now postponed September 2020 local government elections before 1 January 2020.

The amendments to the Local Government Act will do three things. First, an amendment is proposed to section 318B of the Local Government Act to clarify the intended operation of paragraph (c) of subsection (4) by confirming that the making of an order under section 318B does not affect the validity or operation of resolutions passed or arrangements entered into by a council under section 296. Second, an amendment is proposed to section 296 of the Local Government Act to clarify that a provision of an election arrangement entered into between a council and the Electoral Commissioner that is inconsistent with or would prevent a person from casting a vote in a way provided by the regulations has no effect, including where the regulation is made after the election arrangement is entered into. The amendment also clarifies that the Electoral Commissioner does not contravene subsection (2) of section 296 by doing, or omitting to do, something for the purpose of complying with provisions of the regulations concerning the conduct of an election to which the arrangement relates.

Third, the amendments introduce a new time-limited provision, section 296C, which will operate to give the commissioner the flexibility to conduct COVID-safe elections in September 2021. Section 296C will operate to allow the commissioner to publish COVID-19 safe election rules based on applicable public health orders concerning the COVID-19 pandemic and relevant health recommendations made by NSW Health concerning the holding of public events during the COVID-19 pandemic. The commissioner will not contravene section 296 (2) in relation to an election arrangement entered into with a council for something done, or not done, for the purpose of complying with COVID-19 safe election rules. This third measure is a time-limited one and automatically expires on 1 January 2022, or no later than 26 March 2022 if extended by regulation.

It is important to note that no council will be required to pay any more for their elections as a result of the need for NSW Electoral Commission to apply COVID-mitigation strategies at their election—I make that crystal clear and place emphasis on it. The Government has committed additional funding to the NSW Electoral

Commission to conduct the September 2021 local government elections to ensure this cost is not passed onto councils. I commend the bill to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That Government business orders of the day Nos 1 to 7 be postponed until a later hour.

Motion agreed to.

Bills

BUILDING LEGISLATION AMENDMENT BILL 2021

Second Reading Speech

The Hon. SCOTT FARLOW (15:24): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

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

Leave granted.

I am proud to introduce the Building Legislation Amendment Bill 2021 (the bill).

This bill delivers on the New South Wales Government's commitment to implementing transformational reforms to New South Wales building regulation as part of its ongoing work to secure behavioural change in the industry. This comprehensive reform agenda is focused on improving building quality and restoring consumer confidence in the New South Wales construction industry.

The Government's reforms since the election are part of its response to the 2019 Building Confidence Report, authored by Professor Peter Shergold, AC, and Ms Bronwyn Weir. These reforms include the establishment of the Office of the Building Commissioner and the introduction of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, known as the RAB Act, and the Design and Building Practitioner Act 2020.

These Acts support the work of the Building Commissioner and NSW Fair Trading by ensuring the building regulator has the right suite of capabilities and powers to meet the Government's commitments in this space.

The amendments contained in this bill will enhance compliance and enforcement powers of the regulator, ensure industry contributes to the cost of administering the new Design and Building Practitioners Act compliance declaration scheme, and make minor machinery changes to other building legislation.

The building and construction industry is an industry which is a vital contributor to the growth of the state's economy. The industry employs more than 300,000 people, representing more than 8 per cent of New South Wales workforce and accounts for nearly 10 per cent of the state's industry output.

While this Government continues to be a steadfast supporter of continued growth of the building and construction industry, particularly as part of the New South Wales Government's response to the COVID, it is critical that this growth is supported by quality and safe buildings. This can only be achieved through effective regulation and enforcement.

Since introducing the RAB Act, we have already started to see a shift in the way industry operates, in part because of the work of the Building Commissioner and his team calling out sub-standard building work and supporting industry to understand how they can do better.

What has been particularly pleasing has been industry's willingness to come to the table — taking responsibility for failures of the past and co-designing the new rules that will lift building standards across industry.

The next step in this important journey will be the commencement of the Design and Building Practitioners Act. The new Act that is vital in progressing the regulatory reform pillar and ensuring that. The scheme imposes a suite of new obligations on design and building practitioners that will be critical to improving the quality of design documentation and building work. The new scheme will ensure that New South Wales leads the nation in regulating building and construction.

The effect of these Acts is that the Building Commissioner, and officers from NSW Fair Trading, have the compliance and enforcement powers necessary to detect, investigate and require the rectification of serious building defects for the benefit of consumers in New South Wales.

And we are doing this by holding design and building practitioners, professional engineers and developers accountable for their work throughout the building process.

While the changes in this bill are predominantly focused on enhancing existing measures, I would like to highlight one of the key reforms included in this bill, which is the introduction of a levy on developers and owners of the building to support the oversight of these two new schemes.

The Design and Building Practitioners Act, or DBP Act, introduces new requirements on design and building practitioners to design and build in accordance with the Building Code of Australia and other prescribed standards. The new scheme provides that only registered design and building practitioners can sign off that design and building work meets these standards to ensure that the critical parts of a building are compliant and safe.

While the Government has ensured that the building regulator has sufficient resources to support this scheme, including standing up new licensing systems, an online portal for the lodgement of plans and compliance declarations, and increased capability within Government to audit plans, it is wholly appropriate that industry contribute to the costs of administering the scheme.

The bill proposes that a levy is imposed on developers to contribute to the ongoing costs of the new scheme, including the ongoing costs associated with risk based audits of designs and building work captured by the DBP Act and RAB Act and the licensing of practitioners to carry out this design and building work.

The Government recognises that construction of buildings already comes with significant costs and risks. We are not seeking to impose the proposed levy with the intention of adding unduly to these costs. Rather, the proposed levy is intended to ensure that design and building work complies with the relevant standards from the start of the design and building process not when it is too late.

We have seen time and again that where construction projects do not have good quality plans in place at the start of a project, or where designs are not followed, that defects occur all too frequently. This imposes expensive rectification work on the developer if it is picked up early, or, what happens too often, that the cost is passed on to the end customer.

The building regulator is increasingly picking up these defects before the keys are handed over, but the new levy will contribute to the regulator's work with industry to prevent these defects occurring at all. We will achieve this by requiring comprehensive designs for critical building elements to be prepared only by competent design practitioners, and imposing an obligation on the builder to stick to these designs.

The levy will allow for processes developed by the Building Commissioner to work with developers and practitioners to rectify work that falls short of required standards to be maintained and support the standards of the building and construction industry in New South Wales. The Government supports those who benefit financially from this regulatory effort to make a proportionate contribute to its cost.

I now turn to the substance of the changes proposed by the bill.

Schedule 1 of the bill proposes amendments to the Design and Building Practitioners Act.

Items [1] and [2], Schedule 1 seek to amend section 20 of the Act to provide that the Regulation can require the lodgement of variations to regulated designs to be lodged on the NSW Planning Portal before building work on that variation can commence. This remedies an inconsistency between the initial regulated design, which must be lodged before building work can commence, and variations, which currently can be lodged after building work commences.

Items [3] and [4], Schedule 1 seek to broaden the scope of power available to regulate the recognition or registration conducted by approved professional engineering bodies by allowing the Regulation to prescribe requirements that professional engineering bodies must meet to be eligible for approval and to maintain that registration.

The proposed changes to section 55 come following extensive consultation by the Government on the Design and Building Practitioners Regulation 2021, which amongst other things, establishes pathways for professional engineers to become registered. The pathways include investing responsibilities in approved professional engineering bodies to assess professional engineers' competency to do professional engineering work across prescribed classes of engineering.

Following consultation, it became clear that new regulation making powers were required to ensure the assessment process for professional engineering bodies would be able to appropriately deal with a body's competency to undertake assessments of professional engineers, as well as impose conditions on that registration to ensure they continue to meet the exacting standards required to carry out this function.

To ensure that this new process is still subject to appropriate procedural fairness guarantees, Item [5], Schedule 1 proposes the insertion of section 55A to provide that a person aggrieved by certain decisions of the Secretary of the Department of Customer Service may apply to the NSW Civil and Administrative Tribunal for a review of the decision. These will include a refusal to grant recognition as a professional engineering body, to suspend or cancel a recognition, to impose any condition on the grant of recognition, or the suspension or cancellation of recognition, or to vary recognition as a professional engineering body.

Item [6], Schedule 1 proposes changes to the Regulation making power to clarify what fees may be charged, as well as giving the Secretary the power to waive, reduce, refund or postpone fees.

Item [7], Schedule 1 of the bill amends the existing section 107(5) to clarify that the power to exclude a person from the operation of the Act does not require an entire class of persons to be excluded. This amendment will ensure that any exemptions to requirements under the Act are targeted.

Schedule 2 of the bill makes amendments to the powers of the building regulator under the Residential Apartment Buildings (Compliance and Enforcement Powers Act) 2020.

Item [1], Schedule 2 proposes a new section 6A to allow the Secretary of the Department of Customer Service to require certain persons to pay a levy in relation to building work to the Home Building Administration Fund under the Home Building Act 1989.

Amongst other things, the Home Building Administration Fund allows the Secretary of the Department of Customer Service to meet the costs of administering the Home Building Act and other prescribed Acts through contributions from industry.

The bill proposes that a new levy is imposed on developers for building work in accordance with requirements that will be prescribed in Regulation.

While section 6A will establish the framework, the details of the proposed levy will be dealt with in Regulation to ensure that the Government can consult with industry on the quantum of the new levy and when it should be paid. The Government has undertaken initial consultation with developers to test support for this new levy and I am pleased to confirm that there is acceptance of the appropriateness of this levy, as well as support for likely amounts.

I can confirm that the Government will prescribe strict circumstances when the levy will be imposed — charging on a sliding scale, with larger projects (determined by the number of storeys) paying a greater amount.

The sliding scale reflects the increased workload for auditing and compliance based on the number of storeys, which usually results in an increase in the number, type and complexity of plans required.

The Regulation would also create an exemption power for paying the levy, to ensure that smaller projects are not unduly burdened by the new industry contribution to the administration of the building schemes.

In addition to the proposed levy, the bill proposes amendments to existing powers and penalties.

Section 7 of the RAB Act currently requires that one or more developers notify the Secretary at least 6 months, but no more than 12 months, before applying for an occupation certificate for any part of a residential building. There is also a requirement under section 8 to notify the Secretary of a change to the expected completion date.

Notification is critical to ensure effective oversight of the Act, including determining whether an inspection by compliance officers is required before an occupation certificate is issued. The proposed amendments will prescribe daily penalties for each day the developer is in contravention of the requirements to notify.

The prohibition orders under the RAB Act are a critical tool for ensuring that developers remedy defects before settling on properties with the end customer. The orders prevent an occupation certificate being issued so that the developer has a financial incentive to fix the defective building work. While the Government considers this a measure of last resort, we must ensure that when developers are not willing to fix their defective building work that there is an appropriate response available to the building regulator to prevent the costs of fixing this work being shifted from developer to owners corporations and lot owners.

The proposed amendment to section 9 inserts two new grounds for the issue of a prohibition order:

- where a developer fails to comply with a direction of an authorised officer under sections 17 and 18 of the Act, such as failure to comply with an order for the production of designs necessary to fix defects; and
- any other ground prescribed in the Regulation.

The Government has sought to include the new regulation making power because some developers are still seeking to circumvent the intention of the RAB Act by dragging their feet and unnecessarily challenging decisions by the Building Commissioner to fix defects. The regulation making power will allow us to quickly move to stop these developers taking advantage of any perceived gaps in the grounds for a prohibition order.

Item [5], Schedule 2 prescribes new daily penalties for non-compliance with a direction or order from an authorised officer. This amendment is proposed to respond to the minority of the industry that continue to drag their feet on producing good quality designs, building in accordance with them, and following the direction of building inspectors to fix substandard building work. The intention of the amendment is to send a message to these players that they must meet the standards of work required to make buildings safe, and that penalties are not just a cost of doing business.

To support this, where a person is found guilty of an offence for failure to comply with an order or direction under the Act, the Local Court or the Land and Environment Court can if appropriate to do so, make an order for the person to comply with that order or direction. Empowering the Court to make an order directing that a defendant comply means that the Department has greater enforcement options available and is better equipped to achieve prevention and rectification of serious defects.

Schedule 3 of the bill proposes amendments to the Home Building Act 1989 to clarify that the Secretary has the power to make a legislative instrument published in the Gazette in relation to the necessary qualifications, examinations, practical tests and experience requirements for certificate holders and licensees to be able to do or to supervise the various categories of work under the Act. The making of an instrument will not affect the qualification requirements for medical gas work as provided for in sections 33E to 33G of the Act.

Currently, the operation of the Home Building Act requires the Secretary to be satisfied that persons have the necessary qualifications or to pass examinations, practical tests or have certain experience before they can be issued a supervisor or tradesperson certificate can be issued. These qualifications have previously been set by instruments published in the Gazette and lead to timely amendments.

Several sections of the Act need to be amended to clarify that the Secretary can set qualifications, including examinations, practical tests and required experience in instruments published in the Gazette.

Neither the Act nor the regulation currently prescribes any standards in this regard. The proposed amendment under this bill will facilitate the making of instruments under the Regulations. It would then enable quick amendments to be made as and when required.

Finally, Schedule 4 of the bill amends the Electricity Supply Act 1995 and the Gas and Electricity (Consumer Safety) Act 2017.

Currently the regulation of electrical metering is split across these two Acts. With these Acts being administered by two Ministers, regulatory responsibilities are split across the Department of Customer Service and Department of Planning, Industry and Environment [DPIE].

The proposed amendments will not substantively change the effect of the rules relating to electricity meters, including advanced meters, but seek to reflect that compliance and enforcement of safety requirements relating to metering is overseen by the Department of Customer Service.

To ensure continuity with existing arrangements when this change is introduced, the bill also proposes a new section 55A into the Gas and Electricity (Consumer Safety) Act 2017 to give officers of metering providers power to enter premises for the purposes of carrying out functions under the Act, including to read electricity meters.

Finally, following an amendment that was made to the bill by the other place, the bill seeks to amend section 6 of the Residential Apartment Buildings (Compliance and Enforcement) Act 2020 to clarify that powers under the Act are exercisable in relation to a residential apartment building that has been authorised by a construction certificate or complying development certificate issued under the Environmental Planning and Assessment Act 1979 or is required to have been authorised under that Act.

The effect of this proposed amendment is to clarify that the Act applies to residential apartment building developments that have been authorised under the Environmental Planning and Assessment Act, as well as those developments that are underway or completed that have not complied with the requirements of that Act.

The transitional provisions provide that this amendment applies to any orders issued under the Act to date, as well as to future orders.

This bill will support the Government's six pillar work plan to regain public confidence in a new, customer-facing industry by 2025. Our plan seeks to establish a new regulatory playing field, incentivise financiers taking an active and constructive role, private insurers returning to the market and public confidence returned through a chain of stewardship that enables the observation and enforcement of the design and construction of buildings.

The amendments proposed by this bill support this work.

Second Reading Debate

The Hon. DANIEL MOOKHEY (15:24): I lead for the Opposition in debate on the Building Legislation Amendment Bill 2021. The bill was introduced and second read in the other place on 12 May 2021 and passed the other place on 8 June 2021. The Government accepted the Opposition's amendments in the other place concerning advanced meters and asbestos at work. Those amendments were important to ensure the safety of workers in the electrical trades industry. We understand that Mr David Shoebridge will be moving an amendment that addresses the concern we raised in the other place about exemptions. On that basis, the Opposition will not be opposing the bill.

I note the Government's urgency to pursue this bill arises from the incident that took place at the Opal Tower in Olympic Park, which was completed in August 2018—almost three years ago. It is also almost 3½ years since the February 2018 report *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, authored by Professor Peter Shergold, AC, and Ms Bronwyn Weir. It is a pity the Government has not pursued long overdue building reforms with greater urgency. Opal Tower and Mascot Tower hit the headlines in 2018 as notorious building failures. Some 3,000 people were evacuated from Opal Tower after residents reported loud banging noises and exposed panelling and cracks which mainly affected levels four and 10. Last year they were forced to launch a case in the Supreme Court after 500 new defects were found; this was in addition to a separate class action. One of the residents was reported to say living in the building was not easy. They stated:

"It's very difficult to put into words, our homes are our greatest asset, it's where we make lasting memories.

...

We've had to deal with over 100 construction workers on the site, drilling noise all day ... sometimes we've found we only have one lift working and we have to wait 10 minutes.

You say you own a property in Opal Tower, that property was worth \$500,000 [or] \$700,000 ... the bank puts a zero against your name, you can't refinance, you can't get a small loan to buy a car.

For the most part, Labor believes the proposed changes are sensible measures. We feel that most of these measures make positive changes to the function of the Acts. At Mascot Towers, owners were recently advised it is no longer financially viable to fix the building and that their best option is to sell out. The owners' corporation has been told it will cost \$38 million to fix the building, which will blow out to \$64 million after including interest over the course of a 15-year loan. Chair of the Mascot Towers owners' corporation, Gary Deigan, was reported as stating:

The only solution in our mind is to sell the building off.

We have lost a lot of money. We have to decide whether we are going to continue to lose money or try to recover some.

The Government has been criticised for being too slow and too "light-touch". Last week an article in *The Sydney Morning Herald* reported:

It is all too familiar: another developer of apartment towers facing questions over alleged defects in one of its buildings and the structural integrity of another.

...

Since [Opal Tower and Mascot Towers] there have been numerous announcements and pieces of legislation but the fondness of successive governments for light-touch regulation has left fundamental problems untouched.

...

Some of its announcements could go straight into a script for the ABC satire *Utopia*. There is a "six pillar Construct NSW transformation strategy" to create "a customer-facing building and construction sector by 2025" ...

Last year the Legislative Council Public Accountability Committee inquiry into regulation of building standards, building quality and building disputes highlighted "systemic issues plaguing the building and construction industry and the lack of oversight by the New South Wales Government". The Government's reform strategy outlined in its six-pillar plan to 2025 is moving at a glacial pace, but at least it has agreed to the Opposition's amendment in the other place concerning the Electricity and Gas (Consumer Safety) Act. As I said, these amendments concerning advanced meters and asbestos at work were important to ensure the safety of workers in the electrical trades. In October 2019 in the second reading speech on the Design and Building Practitioners Bill 2019 the Minister for Better Regulation and Innovation stated that the bill would:

... introduce a suite of new obligations on design and building practitioners to ensure that each step of construction is well documented and compliant. It forms part of the New South Wales Government's response to the national *Building Confidence—Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia* report, authored by Professor Peter Shergold, AC, and Ms Bronwyn Weir. The Building Confidence report found that the accountabilities of different parties were unclear and there were insufficient controls on the accuracy of documentation. It identified that, particularly for design practitioners, there was a systemic failure to expressly require documentation to demonstrate compliance with the National Construction Code.

In June 2020 in the second reading speech on the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020, the Minister for Better Regulation and Innovation said:

The bill delivers on the New South Wales Government's commitment to arm the Building Commissioner with a suite of comprehensive powers against noncompliant developers and serious defects identified in residential buildings. The bill provides complementary enforcement and investigation powers to the department to order the rectification of work or prohibit building work from being completed. Specifically, it will empower the regulator to operate proactively while buildings are under construction to prevent defects from being inherited by future owners. The bill also extends to existing buildings which have been completed within six years of the issue of the occupation certificate, providing protections to owners of existing defective buildings.

A new round of building problems has led to a new round of building legislation. The Building Legislation Amendment Bill 2020 brings together a number of amendments to the Design and Building Practitioners Act 2020, the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, the Home Building Act 1989, and the transfer of provisions from the Electricity Supply Act 1995 to the Gas and Electricity (Consumer Safety) Act 2017. The Government said that those changes involve requiring certain developers and owners of class 2 buildings—typically multi-unit residential apartment buildings—to pay a levy into the Home Building Administration Fund to fund compliance, auditing of declared plans and new licensing measures that support lifting standards in the building and construction industry.

The Government says the bill will allow the secretary to make an order prohibiting the issue of an occupation certificate or registration of a strata plan for a strata scheme if a developer fails to comply with a direction under the Residential Apartment Buildings (Compliance and Enforcement Powers) Act, or in other circumstances prescribed by the regulation. The Government also says the bill will introduce new continuing offence penalties for offences relating to the failure to comply with directions or notification requirements under the Residential Apartment Buildings (Compliance and Enforcement Powers) Act, and will allow the Local Court and Land and Environment Court to require a person to comply with an order or direction made under the Act.

The bill broadens the regulation-making power to regulate the recognition or registration of engineers conducted by the approved professional engineering bodies under the Design and Building Practitioners Act to ensure that consistent decisions are made on the registration of professional engineers and to ensure that decisions of the secretary in relation to those bodies are reviewable by the NSW Civil and Administrative Tribunal. The bill also amends the electricity Acts to transfer responsibilities relating to electricity metering to the Minister for Better Regulation and Innovation to reflect current administrative responsibilities. It amends the Home Building Act to make clear that the secretary has the power to make a legislative instrument about the necessary qualifications, examinations, practical tests and experience requirements for certificate holders and licensees. Labor does not oppose the bill.

Mr DAVID SHOEBRIDGE (15:32): On behalf of The Greens I speak in debate on the Building Legislation Amendment Bill 2021. I indicate at the outset that with the agreement to three amendments The Greens will not oppose the bill. This is the next tranche in a series of unfortunately quite slow-moving but still forward-moving reforms dealing with building legislation in New South Wales. The Building Legislation Amendment Bill 2021 is tidying up some gaps that have arisen through the implementation of the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, the DBP Act and the RAB Act, as they are differently known.

The first proposed new provision in the bill is a new section 6A, which is designed to create a new power to charge developers a levy in relation to the compliance and oversight costs associated with design and building work on residential apartment buildings. We do not oppose the concept that developers, particularly those undertaking high-rise residential construction, where there is a deficit of regulation and oversight, should pay a modest fee, perhaps too modest a fee, but some kind of fee towards putting in place compliance and licensing measures. Some might say that this is the Government trying to get developers to pay for the Building Commissioner and the additional resources it has put into the Building Commissioner. That is probably true. We are not philosophically opposed to that. We would be more than happy to see the levy and resources increase and finally get a building commission as opposed to just a Building Commissioner.

Proposed new sections 7 and 8 of the bill require that developers notify the secretary at least six months, but not more than 12 months, before applying for an occupation certificate. There is a six-month window. There is also a requirement to notify the secretary if there is any change to the expected completion date. As I understand it, that is to allow the Building Commissioner and the department to rationally allocate their resources so they

have a proper time frame for their compliance work. The proposed new section 27 of the bill provides for the continuing effect of notices and orders and also deals with what are called continuing offences, which carry daily penalties for noncompliance. That is a clear mechanism to get a timely response when a developer has committed a substantial breach. On the face of it, the deterrent effect will be quite significant, with a ten-fold increase in penalties—going from \$110,000 to \$1.1 million for a corporation and \$22,000 to \$222,000 for an individual. Daily penalties are \$110,000 and \$22,000 respectively. They are the maximum, but they are quite significant penalties, which may at least be some push towards compliance.

The bill is largely driven by what was experienced after the rollout of those 2020 bills. One issue that has become apparent is that without a clear penalty being attached to noncompliance or any other mechanism to enforce compliance, unscrupulous developers who have been the subject of an order for the production of materials as a result of a substantial engineering or safety concern can just sit it out and not provide the materials to the regulator, even if they are hit with an order that legally requires them to produce the materials, and then they can apply for their occupation certificate. Because the power to refuse an occupation certificate under the current legislation is linked to the regulator having material to hand about which it can form an opinion that an occupation certificate should not be issued, developers can hinder the exercise of that power by refusing to provide any information. They are therefore setting up a legal argument that the regulator did not have sufficient information to refuse an occupation certificate on the basis of their unlawful noncompliance with an order.

That is a kind of lawyers' picnic that we are happy to lend our support to resolve. The way in which the bill aims to resolve that is to include two new grounds or a prohibition order, which is an order that prevents the developer from obtaining an occupation certificate until they have resolved defects or other matters in the building. One the grounds is if a person fails to comply with a direction of an authorised officer under section 17 or section 18 of the Act—that is normally for the request of information or documents—the secretary may make an order prohibiting the issue of an occupation certificate or the registration of a strata plan or scheme. In addition, there is a new regulation-making power to provide other circumstances for the secretary to make a prohibition order if the inventiveness and creativity of unscrupulous developers finds other ways of trying to circumvent compliance under the bill. The Greens support that as a kind of tidying up mechanism.

Proposed section 56B provides that where a person or entity is found guilty in a court of a breach of an order or direction under the Act, the court can, if it thinks appropriate, order the person to comply with an order or direction. It will give the court the power to make an ancillary order requiring compliance with an order or direction. The various changes to the Design and Building Practitioners Act include changes to section 20 (2) and (3), which allow for additional time for variations of the plans to be lodged. In truth, the original proposal that variations be lodged within one day of the variation being made has proved extremely difficult for the industry to comply with. These amendments give them more time to do that.

Additional proposed amendments increase the power to regulate or recognise the registration of engineers where that registration process is happening through a professional body. I will not repeat the many statements that the Building Commissioner has made about his frustrations. We understand some of them, but we also acknowledge that Engineers Australia and Professionals Australia are willing to walk down the path with the New South Wales Government and stack up a registration and recognition scheme, which I hope can be a collaborative project between the Government, the professional bodies and the union. There are additional changes relating to regulation-making powers, which we will discuss in committee. Some additional changes relating to the Home Building Act and the Gas and Electricity (Consumer Safety) Act have been the subject of further discussion in the other place that I do not feel it necessary to respond to. With those observations, I indicate that The Greens do not oppose the bill but we will be pressing our amendments in committee.

The Hon. SCOTT FARLOW (15:42): On behalf of the Hon. Damien Tudehope: In reply: I thank honourable members for their contribution to the debate, namely the Hon. Daniel Mookhey and Mr David Shoebridge, who both take a keen interest in this area. The bill builds on the extensive work done to date by the New South Wales Government. The role of the levy that is being put in place was raised in the debate, particularly in funding the work of the Building Commissioner in New South Wales, Mr David Chandler. I acknowledge the contributions of Mr Chandler as well as NSW Fair Trading in driving the project initiatives that underpin the Government's building reform agenda.

The bill is part of a six-pillar work plan to regain the public's confidence in a new customer-facing industry by 2025 as stewarded by the Hon. Kevin Anderson as the Minister for Better Regulation and Innovation. I acknowledge the support that this reform agenda has received from members on both sides of the House. I am sure that the President can attest that it has not always been that way. The Government's reform agenda has received genuine bipartisan support, and we all look forward to continuing to work with members of this Chamber and the other place to restore confidence in the New South Wales construction sector. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments, being The Greens amendments on sheet c2021-064A.

Mr DAVID SHOEBRIDGE (15:44): By leave: I move The Greens amendments Nos 1 to 3 on sheet c2021-064A in globo:

No. 1 Exemption regulations

Page 4, Schedule 1[7], line 22, proposed section 107(5). Insert ", other than the insurance requirements under this Act" after "this Act".

No. 2 Exemption regulations

Page 4, Schedule 1. Insert after line 22—

[7A] Section 107(5A)

Insert after section 107(5)—

(5A) The regulations may exempt all persons or bodies, specified persons or bodies or classes of persons or bodies, or all work, specified work or classes of work, or all or specified registrations—

- (a) from the insurance requirements under this Act, and
- (b) for a maximum period of 12 months.

No. 3 Delegation to Building Commissioner

Page 6, Schedule 2. Insert after line 40—

[7A] Section 63 Delegation

Insert at the end of the section—

- (2) Without limiting subsection (1), the Secretary must delegate the functions of the Secretary under section 9 to the Building Commissioner.

These are the kinds of amendments that bring down a government. I can feel the degree of anxiety across the State as people wonder if they will get up or not. With that brief introduction, I will explain what they do. Amendments Nos 1 and 2 go together to both limit and expressly increase the regulation-making power under section 107 (5) of the Design and Building Practitioners Act. The proposed amendment that the Government put forward in clause 7 of the bill would have expanded the regulation-making power that basically allows the Government to turn on or off different parts of the legislation in respect of all persons or specified persons, bodies or classes of persons in relation to the Act. That means that it could, for example, turn off parts of the bill insofar as they apply to engineers or architects or the other. The drafting of proposed new section 107 (5) is extremely broad and expands that power across all persons for all purposes under the bill.

After engagement with the Government we understand at the moment there is a process that is roping in engineers and designers. But there is a concern that as different professions get roped into compulsory registration, certification and insurance in the future, the insurance markets may not be stacked up at the commencement of that. We understand that concern because quite often insurers want to see how the new landscape plays out over months or sometimes a year before they are willing to price the risk and enter into the market. Having accepted the validity of the Government's arguments, we then proposed some amendments that expressly granted the Government the power to make regulations to exempt all persons or bodies, specified persons or bodies or all work specified work or classes of work, or all work, specified work or classes of work from the insurance requirements under the Act. But also time limiting it for a maximum period of 12 months because we think there should be pressure on the Government to stack up compulsory insurance.

We have separate complaints about the current two-year delay before engineers, designers and practitioners have to get their compulsory insurance under the 2021 regulations. I understand that the Government has agreed to reduce that period to 12 months, and we hope to see that being regulated in the near future. Having accepted the legitimacy of the argument for engineers, we also accept the legitimacy of the argument going forward. Our amendments Nos 1 and 2 expressly state that the current regulation-making power in section 107 (5) does not include regulations relating to insurance requirements, and then we give a separate express time-limited power to exempt persons or works from the insurances requirements under this proposed new section 107 (5A). We think that gets the balance right, and we understand that it is broadly supported.

In relation to amendment No. 3, one of the new powers proposed in the bill is to give the secretary the power to refuse occupation certificates when there has been a failure by a developer to comply with a notice. There is an existing delegation power to enable the secretary to delegate that to the Building Commissioner. The Greens are strongly of the view that having established the statutory position of the Building Commissioner in the substantive Acts last year, that we should respect and empower the position of Building Commissioner and it should not have all the powers subject to a decision of the secretary to delegate those powers to the Building Commissioner.

Proposed new subsection (2) in section 63 of the Act will expressly require the secretary to delegate the functions that the secretary has under section 9 of the Act to the Building Commissioner. The amendment will expressly provide that the transfer of powers will happen by way of statute rather than a discretionary delegation power. The Greens think that is important because we think having a Building Commissioner with powers and resources is important for re-establishing confidence in the building industry. Accordingly, The Greens have moved the amendment. As I said, these are the kinds of amendments that shake the pillars of government in New South Wales. I commend the amendments to the Committee.

The Hon. SCOTT FARLOW (15:50): After being so shaken by the amendments, I have had to dust myself off. I will try to carry on. The Government is so shaken that it supports Greens amendment Nos 1, 2 and 3. I turn my attention now to amendments Nos 1 and 2. They will amend the general regulation-making power under the Design and Building Practitioners Act 2020 to provide that the regulation can temporarily exempt design practitioners, principal design practitioners and building practitioners from the insurance requirements under the Act.

In the past few weeks, as part of the Minister's discussions with the building regulator about their efforts to improve the standards of quality in the building and construction industry in New South Wales, limitations were identified in the current regulation-making powers to implement the reforms under the Design and Building Practitioners Act 2020. The Design and Building Practitioners Act introduces comprehensive new measures to regulate the design and construction of prescribed classes of building, as well as introduces a registration scheme for professional engineers. The scheme relies on imposing obligations to design in accordance with standards, build in accordance with those designs and integrate designs more effectively. Many practitioners will now be regulated by the New South Wales Government for the first time.

Following consultation on the draft supporting regulation—the first consultation since the significantly amended Design and Building Practitioners Bill was passed by Parliament—it became clear that if the entire scheme was turned on for all practitioners and buildings from 1 July 2021 that construction in New South Wales would come to a standstill. That was particularly a concern regarding the mandatory insurance obligations under the Act as advice from industry and insurers remains that it is unclear whether all practitioners would be able to secure adequate insurance due to the limited insurance options currently available. To allow other requirements to commence, including the new design declaration scheme, requirements for builders to have declared designs before building and the clearer accountability for building in accordance with the Building Code of Australia, the Government has agreed to defer the mandatory insurance requirement for practitioners under the scheme for 12 months commencing on 1 July this year.

This was introduced using the transitional arrangements regulation-making power under the Act rather than section 107 (5). This exemption relates only to the Act and does not impact insurance obligations under other Acts—for example, architects under the Architects Act—but will allow practitioners who are otherwise competent to still practice under the Act. While the Government has proposed in item [7] schedule 1 to the bill to broaden the existing regulation-making power, it is supportive of the proposed amendment moved by The Greens that would allow the regulation to make similar concessions for design practitioners working on non-class 2 buildings and for new design practitioners working on class 2 buildings, such as acoustic engineers and bushfire consultants, as they are phased in to the new scheme where the transitional arrangements regulation-making power is not available.

While the Government is working with insurers and industry peak bodies to increase the availability of insurance products by reducing the risk profile of the sector, including through the other requirements imposed by the Act—the proactive audits of buildings and new uses of data to identify trustworthy players—it is unclear whether the concerns with the risk profile of New South Wales construction will have been resolved before new types of work are captured under the scheme. The proposed amendment moved by The Greens would provide flexibility for the reforms to continue to lift standards without losing competent practitioners caught out by an insurance requirement they may not be able to satisfy. We want practitioners to have comprehensive insurance but we must continue to be realistic: Without the flexibility that this amendment provides, we risk compromising the transformative outcomes of these reforms. The amendment would allow insurance requirements to be temporarily deferred for new practitioners and we are supportive of putting a clear time limit on how long

practitioners can be exempted. We want flexibility but agree that we still need to hold industry to account to move towards the mandatory expectations under the Act.

The amendment has come about because of the genuine dialogue that members opposite have had with Government to lift standards in the building space. We commend Mr David Shoebridge for his work in that regard as well as members of the Opposition. The Government has willingly committed to continuing to work transparently to ensure that the legislation passed by this Parliament is given every opportunity to succeed and deliver more trustworthy buildings for all consumers. The Government also supports amendment No. 3, which amends the Residential Apartment Buildings (Compliance and Enforcement) Act 2020 to make clear that the Building Commissioner will continue to be invested with strong powers under the residential apartment buildings Residential Apartment Buildings (Compliance and Enforcement Powers) Act [RAB] to call out substandard work and get it fixed before the keys are handed over to the end owner. This change codifies the current arrangement whereby the powers prescribed under the RAB Act are already delegated to the NSW Building Commissioner and authorised inspectors in NSW Fair Trading.

The NSW Building Commissioner, David Chandler, OAM, and officers at NSW Fair Trading have been busy implementing the Construct NSW reform agenda—particularly with the proactive audits of residential apartment buildings under the RAB Act. While the regulator wants to continue to work with industry to fix mistakes collaboratively, the RAB Act has invested significant powers in the commissioner to ensure that where developers, builders and designers do not step up, they can be compelled to do so. Of the 50-odd audits of buildings since the Act commenced on 1 September 2020, the collaborative effort of the Building Commissioner and the inspectors of NSW Fair Trading have issued eight prohibition orders, 10 building work rectification orders and one stop work order.

The structure established by this Government is working. We are making significant changes to building work and the way it is regulated in New South Wales and are embedding that capability in the better regulation division of Fair Trading. We are already realising the benefits of this and industry is on board with the direction set by the Minister for Better Regulation and Innovation and the NSW Building Commissioner. We welcome the amendments moved by Mr David Shoebridge that codify our current structure and current approach to regulating the sector. We look forward to continuing to see how the changes made by this Government transform the New South Wales residential construction sector into the world-class trustworthy customer-centric and accountable industry we all think it can be.

The Hon. DANIEL MOOKHEY (15:57): Like the Parliamentary Secretary, I have a newly found appreciation for the wisdom of these amendments. Perhaps the Opposition will make the case for them better than has Mr David Shoebridge, if my notes are any guide. Section 107 (5) of the Design and Building Practitioners Act currently provides as follows:

The regulations may exempt specified persons or bodies or classes of persons or bodies, or specified work or classes of work, or specified registrations, from any specified provision of this Act.

Schedule 1 item [7] to the bill seeks to replace the section instead with:

- (5) The regulations may exempt all persons or bodies, specified persons or bodies or classes of persons or bodies, or all work, specified work or classes of work, or all or specified registrations, from any specified provision of this Act.

In his second reading speech the Minister said:

Schedule 1 [7] to the bill amends the existing section 107 (5) to clarify that the power to exclude a person from the operation of the Act does not require an entire class of persons to be excluded. This amendment will ensure that any exemptions to requirements under the Act are targeted.

The Government's proposal in the bill appears to have the opposite effect in that the regulations may "exempt all persons or bodies", which would allow for a blanket exemption to be made for specific provisions in the Act. It is entirely inappropriate that a regulation could exempt all persons or bodies—and essentially override the wishes of this Parliament. The objects of the Design and Building Practitioners Act are numerous but they include: to require compliance declarations for regulated designs to be provided by registered design practitioners and principal design practitioners who provide designs for certain building work, which is applicable building work and to impose on building practitioners who do applicable building work an obligation not to carry out the work unless regulated designs have been obtained and compliance declarations are provided.

The objects of the amendments in this bill are: to clarify obligations relating to the variation of building work; to enable regulations to be made in relation to the recognition of professional bodies of engineers by the Secretary of the Department of Customer Service; to enable administrative review of a decision of the secretary relating to the recognition of a professional body of engineers; and to enable regulations to be made to provide for the waiver, reduction, postponement or refund of fees. Any one or more of those objects could be overridden by the making of a regulation to exempt all persons from the operation of specified provisions in the Act. In the

other place the Opposition raised concerns about the possibility that blanket exemptions from the Act could be made. The shadow Minister for consumer protection did not proceed with the Opposition's amendment on this matter on the basis that Mr David Shoebridge would bring forward his amendment. On that basis the Opposition supports his amendment.

Mr DAVID SHOEBRIDGE (15:59): I appreciate the support for The Greens amendments. I particularly appreciate the recitation of the objects of the Act and the bill by the Opposition. I agree that the amendments we have put forward are consistent with those objects. I commend the amendments to the House.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 1 to 3 on sheet c2021-064A. The question is that the amendments be agreed to.

Amendments agreed to.

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

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

Adoption of Report

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I welcome to the President's gallery Laura Strawbridge and Hannah Meaney from Ku-ring-gai High School. I welcome them to a really exciting day in the Chamber.

Condolences

HIS ROYAL HIGHNESS PRINCE PHILIP, DUKE OF EDINBURGH

Debate resumed from 6 May 2021.

The Hon. SCOTT FARLOW (16:02): I contribute to the condolence motion on the occasion of the passing of His Royal Highness Prince Philip, Duke of Edinburgh. It is important to note that today would have been Prince Philip's 100th birthday. In my office is a photo of Her Majesty sitting up on the dais in this Chamber in 1954. She was sitting where the President is now. To her left is His Royal Highness Prince Philip, Duke of Edinburgh, the customary two paces behind. When one looks at that photo and sees all the eyes that are fixed on Her Majesty, it is interesting to note that, as always, His Royal Highness' eyes are fixed on her as well. Born in Greece, Prince Philip overcame adversity as a child, after his family was forced to flee in exile, to become one of the greatest statesmen the world has seen. The Duke of Edinburgh served our Queen, our nation and the Commonwealth with duty and honour. While he was born in Greece, he was thoroughly English, with one account putting it well. It stated that he was:

... thoroughly English by upbringing, has that intense love of England and the British way of life, that deep devotion to the ideals of peace and liberty for which Britain stands, that are characteristic of so many naval men.

My wife comes from a naval family, so I understand those characteristics as well. Leading a distinguished military career with the Royal Navy, the Duke of Edinburgh was an active wartime participant and was noted for his skill in dispatches. It was in the Royal Navy that he commenced his longstanding relationship with Australia. On 14 March 1940 the HMS *Ramillies* sailed into Sydney Harbour and brought with it the 18-year-old midshipman Philip, Prince of Greece. The *Ramillies* later docked in Melbourne and the Duke spent time briefly

working at a sheep station, which he later described as the best holiday of his life, before spending the next four months sailing and protecting the Australian Expeditionary Force ships as they crossed the Indian Ocean.

With a hands-on approach, records show several occasions where the Duke acted above and beyond the call of duty. One such incident occurred when the RMS *Empress of Russia* was without stokers. The Duke was noted as going down to the boiler room and shovelling coal for so long that his blistered hands could not hold a fork. In 1943 the Duke was second in command of the destroyer HMS *Wallace*, which was badly damaged in a night attack and there were fears that German bombers would return to sink it. Showing great ingenuity, the Duke proposed that the crew launch a raft with smoke floats, which fooled the German bombers into thinking that it was a damaged destroyer. It was an action that saved the lives of his crew.

It was said on his engagement to the then Princess Elizabeth that it was a pairing of choice, not of arrangement. He brought a breath of fresh air to the Palace, driving a black MG TC sports car, arriving hatless in flannel trousers and an open neck shirt with the sleeves rolled up, much to the horror of the courtiers. Upon marrying Her Royal Highness Princess Elizabeth in 1950, he took on a new duty—one that would define the rest of his life. The Duke dedicated his life to serving Her Majesty The Queen and our Commonwealth, from modernising the monarchy—beginning with ensuring that cameras could broadcast to the world the Queen's coronation, to being the first member of the royal family to be interviewed on television.

The royal tour of 1954 was the first visit to Australia by a reigning monarch and, of course, the Duke was by the Queen's side every step of the way, including in this Chamber. The Duke made another 19 visits to Australia over the 57 years, including in 1956 to open the Melbourne Olympic Games; in 1962 to open the Empire Games in Perth; in 1965 to open the Royal Australian Mint, as we prepared to move to decimal currency; in 1973 with the Queen to open the Sydney Opera House on 20 October—which was 10 years before my birth; in 1988 with the Queen to open the new Parliament House; and in 2000 when he visited Charles Sturt University in Wagga Wagga. His last visit was in 2011 when he accompanied the Queen to a Commonwealth heads of government meeting.

The Duke established the Duke of Edinburgh's Award in Great Britain in 1956 and in Australia in 1959. That fantastic program has become his enduring legacy and it has helped generations of young people in Australia to find their purpose, passion and place in the world. An avid environmentalist and fan of modern technology, he was the first president of the World Wide Fund for Nature in 1961, drove one of the first electric taxis in London and was one of the first people to use a mobile phone in England. Over the course of his life, the Duke took pride in supporting 992 different organisations and charitable groups, taking a special interest in scientific and technological research, the welfare of young people, education, conservation, the environment and sport. Many will remember the Duke for his good humour and ability to bring a smile to people's faces, which was referred to by him as:

The science of opening your mouth and putting your foot in it, a science which I have practised for a good many years.

It is said that while he was courting Princess Elizabeth, he offended the King by offering him a mock curtsy while he was wearing a kilt. That humour was also demonstrated well during the royal tour in 1954, where the Duke devised a game to assist in keeping himself awake as he and the Queen travelled through many small towns lined with wellwishers. He noticed that as they drove past a pub, many of the patrons would rush outside in order to catch a glimpse of the Queen. Some of the patrons would be struggling to stand up due to their overindulgence in those establishments and would be gripping lamp posts tightly to balance themselves. The Duke would wave enthusiastically to them, which of course meant that they would let go of the pole to wave back and fall over, giving the Duke a little bit of a laugh and helping him stay awake during such an arduous journey.

At the time of his retirement from public service in 2017, the Duke was still involved with 36 Australian organisations as their patron, member or fellow. The Duke, the longest serving royal consort in history, was, in Her Majesty's own words:

... someone who doesn't take easily to compliments, but he has quite simply been my strength and stay all these years. And I, and his whole family, and this and many other countries, owe him a debt greater than he would ever claim or we shall ever know.

Earlier this year—at the same time you did, Mr President—I called on the Governor at Government House to record my personal message of condolence to Her Majesty on this solemn occasion. To Her Majesty and all members of the royal family, I send my prayers, heartfelt condolences and best wishes. You are the bedrock of the Commonwealth and, as your subjects, we all grieve with you. Vale, Prince Philip.

The Hon. PENNY SHARPE (16:10): On behalf of the Labor Opposition, I extend my condolences to the royal family and the people of the United Kingdom on the passing of His Royal Highness Prince Philip, Duke of Edinburgh. Regardless of whether we are monarchists or republicans, we all respect Prince Philip's decades of service in public life for the people of the United Kingdom and the many nations of the Commonwealth, including our own. We all acutely appreciate the human dimension of a family that has lost a beloved husband, father,

grandfather and great-grandfather. In this instance, Her Majesty has not just lost her life partner but also her most important supporter. Prince Philip has been at her side for more than half a century, helping her deal with the unique and often difficult circumstances she has faced as a sovereign in the modern era. The Opposition passes on its sincerest condolences to Her Majesty and the royal family.

Our thoughts are also with the people of the United Kingdom, who are mourning the loss of someone who had been one of the remaining links between the generations of the war years and the generations of today. Prince Philip served his country and the Allied cause with great distinction in the Second World War. He helped keep Australian troops safe as they travelled to the Middle East via sea and he fought bravely in the Mediterranean. In the decades since the end of the war, his distinguished service has been a point of pride for the people of the United Kingdom and the Commonwealth, particularly for those who served and the families of those who served. We should all be grateful for Prince Philip's support for Australia's armed services and the men and women serving in them.

We honour Prince Philip's service in wartime and his continued support for our armed services personnel in the decades that followed. We also honour the significant contribution he made to many community organisations across Australia over a long period of time. The Duke served either as a president or patron of over 50 organisations across Australia. Many people across our community will recall him in his role as Chair of the World Wildlife Fund and his strong advocacy for environmental issues and the conservation of Australia's unique flora and fauna. More than 770,000 Australians have participated in the Duke of Edinburgh Award in the 65 years since its inception. They will be forever grateful to him for the chance the program gave them to participate in sport and community service, to develop skills and to experience the great outdoors. We all come together to honour Prince Philip's patronage and support for that fantastic initiative, which is now active in 140 countries, with approximately eight million young participants. It is a fantastic opportunity for young people across the globe and a great way for young people from different national and cultural backgrounds to share experiences and learn about one another.

We acknowledge His Royal Highness's continued interest in Australia, borne out by the fact that he visited this country more than any other member of the royal family—more than 20 times in his life. Some of this is recorded in the interesting article authored by Jenny Hocking on 4 May this year. Amongst other things, this was reflected in his support for and interest in Australian art, including Aboriginal art and the work of Albert Namatjira and the wider Namatjira family in particular, as well as the work of other great Australian painters, including Sidney Nolan, Donald Friend and William Dobell. On behalf of this side of the House, I pay my respects to His Royal Highness Prince Philip and pay tribute to a life spent serving his Queen, his country, his Commonwealth and his community. Our condolences are with Her Majesty the Queen, the wider royal family and people across the Commonwealth. We recognise and respect Prince Philip's many decades of public service.

Reverend the Hon. FRED NILE (16:13): I take part in debate on this condolence motion today to speak on the life of His Royal Highness Prince Philip, Duke of Edinburgh. For me it is of particular interest because I am a long-term loyal monarchist. Above all, it was duty that came first in Prince Philip's life: to the Crown, to his family and to his faith. Prince Philip was utterly dedicated to the love of his life, the head of our Commonwealth, Her Royal Highness Queen Elizabeth II. The Duke of Edinburgh was our longest serving prince consort, reigning together with Queen Elizabeth II for 73 years. Their Royal Highnesses had four children together: Charles, Prince of Wales; Anne, Princess Royal; Andrew, Duke of York; and Edward, Earl of Wessex. It was only towards the very end of his time on earth that the Duke retired at the spritely age of 96. Prince Philip would sadly pass away three years later, mere months before his 100th birthday.

Prince Philip was born on the Greek island of Corfu during tumultuous times for Greece and his family. The political fortunes of his family were cast asunder after they were forced into exile following the abdication of King Constantine I. From there, Prince Philip did not have a home. He attended schools across Europe and dwelt in many households but never had one to truly call home. Prince Philip would court Princess Elizabeth from just before World War II broke out in 1939 until 1946, at which point he asked for her hand in marriage. Due to her young age, their engagement was an official secret until 9 June 1947. Their royal wedding was held on 20 November 1947 to international jubilation, especially in Australia.

Prince Philip was originally raised as Greek Orthodox but, upon his marriage to Queen Elizabeth II, he converted to the Anglican church. The former Archbishop of York, John Sentamu, noted Prince Philip's dedication to his faith and quoted him as having said, "Of course, the Queen and I are so strong in Jesus Christ." Prince Philip would go on to jointly found St George's House with the Dean of Windsor Robin Woods. St George's House was founded as a place of discussion for bettering society through dialogue, exploring issues of a secular and religious nature and inviting people from all echelons of society.

One of his most enduring achievements is the Duke of Edinburgh Award. The award is a program for students between the ages of 14 and 24 that pushes them to excel physically, mentally and socially, refining

participants to be the very best they can be. The holistic development of our young is vital to prepare them for the challenges faced later in life, such as finding a job and eventually a career, starting families and being healthy members of and leaders in society. The Duke of Edinburgh Award helped to achieve those aims. To date, over 775,000 young Australians have attained the award.

Prince Philip had a wry humour and wit, which often got him in trouble with the media and the politically correct. Malala Yousafzai is a young female civil rights activist from Afghanistan who has survived assassination attempts from the Taliban. Upon meeting with Prince Philip, he said to her, "Children go to school because their parents don't want them in the house." It was noted that she giggled at the remark. Of his Queen, Philip has remarked, "You can take it from me, the Queen has the quality of tolerance in abundance."

At the time of his retirement in 2017, Prince Philip had attended 22,000 public engagements, served as patron of more than 50 charity organisations and remained in active roles with over 36 of them after retirement. As members have already heard, he visited Australia at least over 20 times. My wife and I were privileged to meet Prince Philip in the Jubilee Room at Parliament House when we had a reception for the royal couple. We had a brief chat with him on that occasion. Prince Philip remained in active roles with over 36 organisations after he retired. For the remainder of his life, Philip would continue to serve the Queen as a loving husband, father and grandfather. In his retirement, Prince Philip would mostly spend his time at Sandringham Estate in Norfolk as the Queen remained active in her duties elsewhere.

On 9 April 2021 Prince Philip passed from our world into the house of our Lord God. Due to the COVID-19 pandemic, the funeral was restricted in number and a reserved affair. That was how Philip wanted it, as he had a major role in planning the details and is quoted as having said he didn't "want any fuss" at his funeral. The Queen continues her duties. We thank God for Queen Elizabeth II and her dedication. Prince Philip will be remembered as a man of duty and conviction and a faithful servant of God. Vale His Royal Highness Prince Philip, Duke of Edinburgh. God save the Queen.

The Hon. MARK LATHAM (16:21): I join in the condolence motion for Prince Philip, Duke of Edinburgh. I note his association with Australia, which has been pointed out by previous speakers, particularly the significance of the Duke of Edinburgh program and awards for young people in our schools. The program has been an enduring example of teaching resilience, determination and a whole range of outdoor and indoor skills which have been a feature of the program. As a Parliament we should note Sandra Nori, the former Labor member for McKell and other inner-city constituencies—

The Hon. Penny Sharpe: Port Jackson.

The Hon. MARK LATHAM: Port Jackson, but McKell initially when she beat Frank Sartor in 1988.

The Hon. Adam Searle: Correct.

The Hon. MARK LATHAM: It all seems so long ago but no less relevant, given Sandra's role in guiding the Duke of Edinburgh program in our State. I know she enjoyed that role and put a lot into it. It has been a very important program that the Duke always took an interest in when he was visiting Australia. As a lifelong republican I do not have any close personal stories to tell about Prince Philip, other than I was once in the same room in Parliament House in Canberra when he and the Queen visited in early 2000. Being in the same room made my monarchist sisters-in-law incredibly jealous. It showed the affinity that many Australians have with the royal family, which has been a wonderfully enduring British institution. It relies heavily on the quality of the individuals. From generation to generation they tend to throw up the odd maverick but, thankfully, in the hands of Queen Elizabeth and Prince Philip it has been a force for stability, inspiration and guidance around the Commonwealth nations.

My second association with Prince Philip was at the very best hotel on the waterfront of Colombo three or four years ago. There is a hotel museum where you can look at all of the distinguished visitors to this great hotel in Colombo. Prince Philip had served in the navy in Sri Lanka and bought his first car there. That car, which is an open-top convertible, sits in the middle of the museum. So I got to sit in his car once. It is not electric; I am sure it was petrol driven, but it is a fine little vehicle. The museum is the centrepiece of the memory of Prince Philip for so many Commonwealth nations.

Prince Philip had an influence around the Commonwealth, as you would rightly expect from someone who lived to the age of 99. I admired very much his aversion to political correctness. He was very outspoken in what he said to people and in good humour talking directly about things that he observed and telling photographers to hurry up. I can relate to that. He was a distinctly British figure, a man with the values of his time, who served his country with amazing devotion. It is also fair to say, given his military service and his distinguished royal heritage, that it would not have been easy for him early on to play the role of consort, to be number two to the Queen and, given the values at that time, to be number two to a woman.

The Hon. Scott Farlow: Watch *The Crown*.

The Hon. MARK LATHAM: I acknowledge the interjection from the Hon. Scott Farlow. One of the things about the royal family was the ongoing mystique of their privacy until they decided to open up, perhaps mistakenly so, to tabloid media and the like. *The Crown* has influenced our impressions and thinking in a world where media has a big influence on us. Prince Philip comes out of it looking quite good, unlike Prince Charles. Prince Philip's reputation prospered much more later in his life than, say, in the sixties and seventies. As he got older he became a much more admired figure around the world, and rightly so. His associations in Australia are many and varied, even to the point where we made him a knight—well, Tony Abbott made him a knight. I am not too sure that Prince Philip even—

The Hon. Mick Veitch: Knew about it.

The Hon. MARK LATHAM: —knew about or thought it was all that fantastic. They are the interwoven links that our country has had with this great man who lived to the age of 99—a figure that is important in our culture as Bradman's batting average—and we admire that. Anyone who gets to 99 and serves their nation for that period of time is to be admired. Whether we are republicans or monarchists or have mixed views about the royal family, whatever our political persuasions, we should always admire people who devote themselves to service. The service of Prince Philip was phenomenal—as a military man, a consort, a stable figure and a mentor inside his own family. For his love of Australia and the role that he played in our country in his various visits, we should acknowledge the condolence motion and wish the royal family all the best in the future.

I also acknowledge the grief of the Queen. How many people can say they fell in love with someone at the age of 13 or 14, married them and had a marriage that was a genuine partnership that endured for 70-odd years, all while serving their nation? I am sure there were challenges and times that were inspiring, as there is in any enduring personal partnership. The lessons of that family are timeless and should inspire all of us as we go about our small-scale, not-so-significant public service while admiring the great figures of our history. I pass on my condolences to the British people, the royal family and anybody else who has loved this great man.

The Hon. BEN FRANKLIN (16:27): In sticking with the preference of His Royal Highness for a no-fuss approach, I make a brief contribution. The world has been touched in many ways by the life and passing of His Royal Highness Prince Philip, Duke of Edinburgh. It is a privilege to pay tribute to his life in this place today. The strength and leadership of Her Majesty The Queen, Prince Philip and the royal family have been a stable presence in the living memory of most Australians. In fact, in my life there has not been a moment that Prince Philip has not been the royal consort or a time that he has not served the Commonwealth and the monarch with dedication and distinction. That time is now over, but of course his legacy will live on.

For nearly 70 years Prince Philip gave his life to the Commonwealth and as consort to the Queen, for which he will forever be remembered. Whether we are avowed monarchists, passionate republicans or sit somewhere in between, it is impossible not to recognise and admire the determination and conviction that is needed to sustain such a position as Prince Philip's. He was the patron or president of over 780 organisations, with a particular passion for the environment and wildlife conservation. It is reported that he averaged 350 official engagements a year on behalf of the royal household and he made more than 22,000 solo appearances until his retirement in August 2017 at 96 years of age. What an extraordinary innings. I contend it would be almost impossible to find too many others whose working lives spanned more than seven decades and who dedicated themselves with such commitment to their calling.

In paying tribute to Prince Philip, like other members before me, I acknowledge the Duke of Edinburgh's Award. Initiated in 1956 in the United Kingdom, the award now reaches young people in more than 130 countries around the world. Although the award has evolved through the past 50 years, its core foundations have stayed the same, which is to give young people the resilience to help guide them through the transition from adolescence to adulthood and the difficulties that may come with that. It can often be easy to assume that the life of nobility is a life without trials or tribulations. But Prince Philip did have his fair share of hardship as a boy and a young man, so the Duke of Edinburgh's Award was born out of the lived experience for the need to give young people purpose and strength to face life's challenges. His loyalty to the Commonwealth was unquestionable and our State and our nation had a strong relationship with the Duke.

Prince Philip visited Australia 23 times in his life, both as a military serviceman and consort. He was here to celebrate one of our defining moments as a nation when he officially opened the Olympic Games, held for the first time in Australia—and indeed for the first time in the Southern Hemisphere—in 1956. He visited our cities and our regional towns and he stopped to chat with the thousands of Australians who had lined the streets to see him. I join many of my colleagues in this House who have acknowledged his loyalty and his service to the military. He was one of the few remaining World War II veterans and has been described by Britain's Prime Minister as taking the ethic of service in the navy and applying it "throughout the unprecedented changes of the post-war era".

I extend my deepest sympathies to the Queen, their children, grandchildren and great-grandchildren on the passing of a much-loved husband, father and grandfather. For 99 years Prince Philip lived his life in the spotlight. May he now rest in peace.

The Hon. NATASHA MACLAREN-JONES (16:30): I speak on the passing of His Royal Highness Prince Philip, Duke of Edinburgh, a figure who played such an important role for the Commonwealth and for Australia. Prince Philip served as a pillar for many, including her majesty Queen Elizabeth II, who shared the following:

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

The Duke's relationship with Australia would be a long-lasting friendship. Over a 70-year period he would visit Australia more than 20 times. Over this time, the Duke of Edinburgh's Award would play an influential role, particularly for many young Australians. The award was a cornerstone of the Prince's extraordinary legacy. Founded in 1956 by the Duke of Edinburgh, it was meant to support young people and promote self-development. Since its inception, over 775,000 young Australians have participated in the award, volunteering 275,000 hours of service each year. The Duke once said:

The Award is intended to help both the young as well as those who are concerned for their welfare. The object is to provide an introduction to worthwhile leisure activities and voluntary service, as a challenge to the individual to discover the satisfaction of achievement, and as a guide to those people and organisations who would like to encourage the development of their young fellow citizens.

The vision for the award and dedication by His Royal Highness has helped transform the lives of 5.5 million young people worldwide. Even today his vision still resonates for every participant. As chair and founder of the Parliamentary Friends of the Duke of Edinburgh's Award, I have had the opportunity to witness firsthand the great benefits of the award for young people and in our community. The Parliamentary Friends of the Duke of Edinburgh's Award was established in 2014 and re-established in 2019 to acknowledge the opportunities it has given to our young Australians. The royal family's involvement in the award has remained strong. It was an honour to join His Royal Highness Prince Edward, the Earl of Wessex, for his visit to Parliament House in 2009 and again in 2019 when we marked the sixtieth anniversary of the award in Australia.

The Duke of Edinburgh's Award was one of the many associations where the Prince was involved. In fact, he had a connection with 992 organisations, as president, patron, honorary member or in another capacity. He was, whilst a prince, a man who understood the weight and responsibility of his position as Royal Consort to the longest serving monarch in history, while also having the flair and individuality of the common man. His wit, humour and intelligence connected with Australians, particularly when he was a young naval officer. As former Prime Minister John Howard said, Prince Philip was a man whose "mannerisms and demeanour went down well in Australia. He was a great combination of dignity, tradition and informality—and it is quite a tricky balance."

Prince Philip will be remembered as a husband, a father and a prince. Above all, he was a man who lived a life of service to others and stands as an exemplar of what it means to serve one's country and its people. I join with this House in paying my respects and remembering His Royal Highness, the Duke of Edinburgh. I also extend my deepest condolences to Her Majesty Queen Elizabeth II and her family.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:33): In reply: I thank all honourable members for their contributions to the debate. May His Royal Highness rest in peace.

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

Motion agreed to.

Bills

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2021

Messages

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

MR PRESIDENT

The Legislative Assembly, having considered the message dated 18 March 2021 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Prevention of Cruelty to Animals Amendment Bill, informs the Legislative Council that the Legislative Assembly agrees with amendment No. 1, but disagrees with amendments Nos 2, 3 and 4 because:

1. Amendment No. 2 removes section 31AA without replacing it. This would mean that the bill would no longer allow for the recognition of interstate disqualification orders. To address this, the Assembly proposes an amendment that retains the

proposed automatic prohibition for those convicted of Crimes Act 1900 animal cruelty offences—consistent with the amendment passed in the other place—without removing the current section 31AA.

2. Amendment No. 3 removes section 34AA which is an important part of the law as it ensures that only appropriate and qualified agencies and individuals can bring forward prosecutions. The Assembly does not oppose the amendment as it relates to the statutory limitation period, and proposes an amendment that carries over the statutory limitation period—consistent with the amendment passed in the other place.
3. Amendment No. 4 does not achieve its intended outcome of replacing the current Animal Welfare Code of Practice—Breeding Dogs and Cats with a revised version. It also requires the revised version of the Breeding Code to be published before 31 May 2021. Delivering a new Breeding Code by this date is no longer feasible. To address this, the Assembly is putting forward a new amendment that will address the drafting issue and require the new Breeding Code to be published by 31 August 2021.

Accordingly, the Legislative Assembly proposes the following further amendments:

No. 1 Prohibiting persons convicted of certain offences

Page 5, Schedule 1.

Insert after line 2—

[13A] Section 31AB

Insert after section 31AA—

31AB Prohibitions for persons convicted of certain offences

If a person is convicted of an offence against the *Crimes Act 1900*, section 79, 80, 530 or 531, the person must not—

- (a) purchase or own an animal, or
- (b) engage in work, whether paid or unpaid, involving direct contact with, or care of, an animal.

Maximum penalty—400 penalty units or imprisonment for 1 year, or both.

No. 2 Prosecution of offences

Page 5, Schedule 1. Insert after line 4—

[14A] Section 34(4)

Omit "12 months". Insert instead "3 years".

[14B] Section 34(4)

Omit "alleged to be the date on which the offence was committed".

Insert instead "evidence of the alleged offence first came to the attention of an officer".

No. 3 Adoption of Code of Practice

Page 5, Schedule 1. Insert after line 4—

[14D] Section 34AB

Insert after section 34A—

34AB Code of practice for breeding dogs and cats

- (1) The Minister must, before 31 August 2021, cause a revised version of *Animal Welfare Code of Practice – Breeding dogs and cats*, ISBN 978 0 7347 1945 4 (the **current code of practice**), to be published.
- (2) A reference in any Act or instrument to the current code of practice is taken, on the publication of the revised version of the current code of practice, to be a reference to the revised version.

Legislative Assembly
10 June 2021

JONATHAN O'DEA
Speaker

The Hon. BEN FRANKLIN: I move:

That the Legislative Assembly's message be considered in Committee of the Whole forthwith.

Motion agreed to.

In Committee

Consideration of the Legislative Assembly amendments.

Schedule of amendments referred to in message of 10 June 2021

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- (2) A reference in any Act or instrument to the current code of practice is taken, on the publication of the revised version of the current code of practice, to be a reference to the revised version.

The Hon. BEN FRANKLIN (16:35): I move:

That this House, having considered the Legislative Assembly's message, does not insist on its amendments Nos 2, 3 and 4 disagreed to by the Legislative Assembly and agrees to amendments Nos 1, 2 and 3 proposed by the Legislative Assembly in the bill.

The Government will support the amendments made in the other place. But before it does so, I highlight that the other place agreed to the amendment made in this place in relation to interim disqualification orders. Amendment No. 1 is regarding prohibitions for persons convicted of certain offences and replaces an amendment that was moved in this place that proposed the introduction of an automatic prohibition for those convicted of animal welfare offences under the Crimes Act 1900. The other place opposed the original amendment on the basis that the amendment also unintentionally removed section 31AA of the Prevention of Cruelty to Animals Act [POCTAA], which would have the effect of preventing interstate disqualification orders from being recognised in New South Wales. The amendment moved by the Government in the other place retains the intent of the original version, introducing an automatic prohibition, but does not remove the recognition of interstate orders provisions. This amendment does not propose change for the sake of change. We believe the revised amendment is consistent with the intent of the members of this place in agreeing to the original amendment.

Amendment No. 2 relates to the authority to prosecute and to the statutory limitation period. The Government moved amendment No. 2 in the other place as it does not support the removal of the authority to prosecute provisions currently contained at section 34AA of POCTAA. Section 34AA is an important part of the law, as it ensures that only appropriate and qualified agencies and individuals can bring forward prosecutions. The Government did not oppose the amendment as it relates to the statutory limitation period. The amendment moved by the Government in the other place retains the part of the original amendment that allows for prosecutions to be commenced for up to three years after an inspector is made aware of an offence, but it makes no change to the current section 34AA provisions. The Government notes that it intends to consult the community on this provision as part of the broader reform work and it will be included in an exposure draft which will be published before the end of the year.

Amendment No. 3 refers to the adoption of the code of practice and replaces an amendment that was moved in this place that was intended to revise and replace the current NSW Animal Welfare Code of Practice—Breeding Dogs and Cats. The drafting of the original amendment meant that a revised breeding code would not actually

replace the current version. The other place opposed the original amendment as it would have resulted in there being two versions of the breeding code both existing under POCTAA with different legal effect. The original amendment also required the revised version of the breeding code to be published before 31 May 2021. Delivering a new breeding code by this date is obviously no longer feasible. The amendment moved by the Government in the other place retains the intent of the original amendment. It will address the drafting issues and require the new breeding code to be published by 31 August 2021. I commend the amendments to the Committee.

The Hon. MICK VEITCH (16:39): I lead for the Opposition, which will not oppose the amendments articulated by the Parliamentary Secretary. It is clear that the process of amendments from this House going to the other place has created a dialogue, which is a good thing. Arising from that dialogue is the position we are now in. As the House of review, that process enables the exercise of oversight on government legislation. I believe there have been lengthy conversations with the proponents of amendments originally adopted in this place. I have also had conversations today about these amendments, and on the basis of those conversations the Opposition will not oppose the Government's amendments.

Ms ABIGAIL BOYD (16:40): On behalf of The Greens I speak briefly to these amendments from the Legislative Assembly. New South Wales has some of the most lax animal cruelty legislation in Australia, and strengthening our laws to deter animal cruelty and penalising those who are cruel to animals are of utmost importance. So while the passing of the Prevention of Cruelty to Animals Amendment Bill 2021 today is greatly welcomed, it is disappointing that this House passed amendments to strengthen the bill 11 weeks ago and it has taken the Minister until now to make a decision on them. Over the past three months animals across New South Wales have continued to suffer due to delays by this Government.

In the interests of getting this important piece of legislation enacted without further delay, The Greens will not be opposing the amendments passed in the other place. The amendments which we are asked to agree to today amend three of the amendments passed by this House back in March. The Greens are glad to see that the Government has accepted most of the amendments successfully moved by The Greens and by the Hon. Emma Hurst. First, this legislation will see the introduction of mandatory lifetime animal bans for all people convicted of particularly serious crimes against animals, including aggravated animal cruelty under the Prevention of Cruelty to Animals Act and serious animal cruelty and bestiality under the Crimes Act. As with the issuing of punishments, the courts have consistently failed to voluntarily issue animal bans to people convicted of these crimes when given the discretion to do so, and so for the protection of other animals it is necessary to make animal bans mandatory in especially heinous circumstances.

Secondly, this legislation will, due to The Greens amendments accepted by the Government, extend the time in which prosecutions can be brought for cruelty to animals offences. It extends the statutory limitation from the current 12 months to three years and it starts the clock at the time that the evidence of the alleged offence first came to the attention of the police or approved charitable organisation, rather than the date on which the offence was committed. This follows a recommendation from the Select Committee on Animal Cruelty Laws in New South Wales. Thirdly, this legislation will now finally address the need to review the Animal Welfare Code of Practice for the breeding of dogs and cats. As we noted during previous debate on this bill, this particular code of practice is sorely out of date and creates unduly onerous requirements for so-called hobby breeders while failing to address genuine problems of puppy farming.

It is heartening to see that the Government has now agreed to review the code, however it is disappointing that the date of that review needed to be changed from 31 May to 31 August 2021 due to the Government's delays in finalising this legislation. The Greens will be closely following the review of the code of practice to ensure that the necessary consultation and updates occur. I add to the record my thanks to the Hon. Emma Hurst and the Hon. Mick Veitch for their cooperation in finally getting this bill back to the House so it can be passed.

The Hon. EMMA HURST (16:43): I make a brief contribution on behalf of the Animal Justice Party. Firstly, I express my frustration about the Government's delay in progressing this bill. To this day it has been 12 weeks since the bill passed the upper House, but until this week absolutely nothing was done. The delay has real and serious consequences. Since the bill was debated in March a man has intentionally set a puppy on fire, while another person tied up and drowned seven possums. These people could have been subject to the Government's new penalty regime. Instead, when they are sentenced they will face the lowest penalties for animal abuse in the country: just \$5,500 or six months' imprisonment for an act of animal cruelty. That is simply not good enough. These animals are unlikely to receive any kind of justice.

The Animal Justice Party does not oppose most of the changes that have been proposed by the Government in the other place. It is good to see that the Government has agreed to increase the statutory limitations period from one year to three years; to introduce animal bans for people charged with extreme offences such as bestiality and interim bans during court cases in certain circumstances where animals could be at risk; and to undertake an

urgent review of the New South Wales code of practice for breeding cats and dogs. However, the latter has been pushed back from May to August as a result of the Government sitting on this bill.

Having said that, it is very concerning that the Government has rejected an amendment which would have reinstated private prosecutions for animal cruelty offences. Right now RSPCA prosecution rates are incredibly low. In the last reporting year just 77 cases were prosecuted out of 17,000 complaints. Allowing private prosecutions would have significantly increased the likelihood of animal abusers being taken to court and hopefully would have encouraged more innovative test cases. It is really disappointing that the Government has rejected this amendment, and the Animal Justice Party of course will be pushing for this issue to be reconsidered as part of the Animal Welfare Action Plan later this year. I acknowledge comments made by the Parliamentary Secretary highlighting that the change to my other amendment reflected my original intent, and I confirm that is the case.

Despite the Government's rejection of the important amendment concerning private prosecutions, the Animal Justice Party considers it urgent that this bill be enacted as soon as possible to ensure that anyone who commits an act of animal cruelty is subject to a robust penalty regime. We cannot let this State's pathetic penalties continue for another day. While tougher penalties cannot undo the pain and suffering caused to animal victims of violence, it can provide some justice. It will act as a deterrent to future acts of animal abuse and will recognise animal abuse as the serious crime that it is. That is why the Animal Justice Party will support the bill as amended.

The CHAIR (The Hon. Trevor Khan): The question is that this House, having considered the Legislative Assembly's message, not insist on its amendments Nos 2, 3 and 4 disagreed to by the Legislative Assembly and agrees to amendments Nos 1, 2 and 3 proposed by the Legislative Assembly in the bill.

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

That the Chair do now leave the chair and report that the Legislative Council does not insist on its amendments Nos 2, 3 and 4 and has agreed to the Legislative Assembly's amendments Nos 1, 2 and 3.

Motion agreed to.

Adoption of Report

The Hon. BEN FRANKLIN: On behalf of the Hon. Bronnie Taylor: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. BEN FRANKLIN: On behalf of the Hon. Bronnie Taylor: I move:

That a message be forwarded to the Legislative Assembly advising it that the Legislative Council does not insist on its amendments Nos 2, 3 and 4 disagreed to by the Legislative Assembly and agrees to amendments Nos 1, 2 and 3 proposed by the Legislative Assembly in the bill.

Motion agreed to.

MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021

Second Reading Speech

The Hon. SCOTT FARLOW (16:49): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

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

Leave granted.

This is a timely and important national economic reform as New South Wales lays the foundations to drive an even stronger post pandemic economy in the long-term.

Automatic Mutual Recognition will reduce red tape associated with occupational licensees moving interstate.

This will help New South Wales access the skilled labour needed to assist with economic recovery following COVID-19.

Skilled workers can also respond faster to natural disasters.

During the catastrophic 2020 summer bushfires, New South Wales faced acute shortages in trades required for rebuilding.

Automatic mutual recognition would enable skilled interstate workers to assist with rebuilding efforts more quickly.

Automatic mutual recognition will also benefit cross-border regions.

A licence holder in a cross-border region—for example, a plumber in Albury will be able to perform the same work in Wodonga—without seeking permission or paying two registration fees - one in New South Wales and one in Victoria.

For example, a New South Wales registered plumber will save at least \$357 over three years in registration fees to work in a nearby border town in Victoria.

It will also benefit businesses with interstate operations: for example, an architecture firm based in New South Wales and operating remotely could save around \$600 per worker through applying for automatic mutual recognition for their architects to work in Victoria and South Australia.

Data from New South Wales agencies indicates that there are at least 1.16 million occupational registrations held in New South Wales (including interstate licences recognised by New South Wales agencies) and that 8.4 per cent of new occupational registrations were made under mutual recognition in 2018-19.

Consumers and businesses will benefit from a more diverse labour supply and greater competition between local and interstate licence holders.

The Commonwealth has estimated benefits from Automatic Mutual recognition of \$2.4 billion nationally—a significant portion of which will flow to New South Wales.

The purpose of this bill is to provide an updated referral of powers to the Commonwealth Parliament on mutual recognition of occupations and goods.

This will enable the Commonwealth Parliament to pass the Commonwealth Government's proposed amendments to the Mutual Recognition Act 1992 (Cth) to implement a new, uniform automatic mutual recognition scheme for occupational registrations across State and Territory borders.

Although we have had a system in place for many years to recognise occupational licences from other jurisdictions—under the Mutual Recognition Act 1992 (Cth)—this new framework will provide a quicker and less expensive alternative.

Under the current scheme workers still need to apply for recognition of their home licence and pay another fee to work in another State or Territory.

The existing mutual recognition also relies on schedules to specify equivalent occupational registrations between jurisdictions.

These schedules are complex, cumbersome and have not been updated fully since 2009. This has left them out-of-date compared to today's qualifications and licences.

The Commonwealth, States and the Northern Territory have all come together and agreed to new Automatic Mutual Recognition scheme for occupational registrations.

In December 2020, the Premier and all First Ministers, except the Australian Capital Territory, signed an Intergovernmental Agreement which commits signatories to implementing a national Automatic Mutual Recognition scheme by 1 July 2021.

The core principle of this new framework is that a person can automatically perform the same activities that they are licenced to perform in their "home" jurisdiction in a second jurisdiction—without seeking permission or paying additional registration fees.

Automatic mutual recognition will make it easier and less expensive for businesses and workers to operate across jurisdictions.

You only pay a registration fee when you renew your licence in your home jurisdiction.

If you move permanently to a new jurisdiction, then you would register with your new home authority and pay a fee then.

I now turn to the detail of the bill.

The bill amends the Mutual Recognition (New South Wales) Act 1992 to replace the existing amendment referral and establish a new amendment referral.

The new amendment referral will enable the Commonwealth Parliament to make amendments to the Commonwealth Act relating to the mutual recognition of occupations and goods.

The Commonwealth believes that the existing amendment referrals in New South Wales—and Queensland and Tasmania—should not be relied upon to implement Automatic Mutual Recognition.

New South Wales is leading the way by being the first State to update the referral powers to enable the Commonwealth to pass legislation to give effect to Automatic Mutual Recognition.

Should future Commonwealth amendments not be supported by Parliament, the updated referral powers can be terminated by proclamation by the New South Wales Governor.

I now turn to the detail on the Commonwealth bill, which will shortly be introduced to the Commonwealth Parliament.

The bill has been prepared in consultation with stakeholders and State and Territory governments.

The bill will apply to all occupational registrations unless they are exempted from the scheme or subject to an existing national registration scheme or State-based automatic recognition scheme.

The bill will retain the benefits of the existing mutual recognition arrangements and standards of protection and public safety, while streamlining notification processes.

The bill embeds safeguards to ensure the community, environment, animals and workers are protected.

The bill provides that workers will have to meet requirements relating to insurance, fidelity funds, trust accounts or the like, as well as other requirements such as working with children checks. All this is designed to protect the public, consumer and others.

Local laws will apply to interstate registration holders so local regulators can take the necessary enforcement action to maintain protections for businesses, employees and consumers.

A registered person will need to comply with the local laws in the second State and is subject to any applicable disciplinary actions.

Workers will not be eligible for the scheme if they are subject to disciplinary action or have conditions on their licence as a result of disciplinary, civil or criminal action.

While the intention is to keep paperwork requirements to a minimum, States and Territories can require notification for occupational registrations.

Local regulatory authorities will be required to make available to each other relevant information about a registered person and prepare and publish guidance on the operation of the scheme.

The bill provides States and Territories with the flexibility to exempt occupational registrations from the scheme in certain circumstances.

Exemptions can be temporary (up to 12 months) or longer-term basis (up to five years).

Exemptions—including reasons for longer-term exemptions—will be published on a public register.

A temporary six-month exemption—which can be renewed for a further six months up to 30 June 2022—can be declared for specific occupations. This will provide a transition period for some regulators.

Longer-term exemptions are only available where automatic mutual recognition poses a significant risk to consumer protection, the environment, animal welfare, or the health or safety workers or the public.

Longer-term exemptions will sunset after five years and can be renewed, following a review.

This Government will establish a list of exempt occupational registrations ahead of 1 July 2021 in consultation with relevant ministers and stakeholders.

As mentioned, the Automatic Mutual Recognition scheme will provide greater flexibility to take up jobs opportunities wherever they arise.

In New South Wales, automatic mutual recognition will enable industries to address long standing skill shortages in licensed building occupations such as air conditioning mechanics, electricians, bricklayers and plumbers.

Consumers and businesses will benefit from a more diverse labour supply and greater competition between local and interstate licence holders.

Regional border communities, which have been hard-hit by COVID-19 border closures, will particularly benefit from the scheme.

Reducing the financial and administrative burdens will deliver increased productivity, and reduce costs, in these cross-border regions.

I commend the bill to the House.

Second Reading Debate

The Hon. DANIEL MOOKHEY (16:49): I formally lead for Labor with respect to the Mutual Recognition (New South Wales) Amendment Bill 2021. I say at the outset that we do not oppose it. Equally I say that there are amendments that we will be pursuing at the Committee stage to improve it. The substantial reasons for our position will be given by my colleague the Hon. Mark Buttigieg.

Ms ABIGAIL BOYD (16:50): Briefly, on behalf of The Greens I express our opposition to the Mutual Recognition (New South Wales) Amendment Bill 2021 in its current form and flag that we will be supporting amendments to be proposed that would reduce the scope of the referral of powers to the Commonwealth. The bill provides for the introduction in New South Wales of the national automatic mutual recognition [AMR] scheme for occupational registrations between States and Territories in Australia. Automatic mutual recognition is a worthy goal and done right it could benefit individuals, consumers and businesses by increasing labour mobility and decreasing worker costs.

However, the AMR scheme in the form proposed at this time would also create risks to the safety of workers, consumers and the community. This is because the AMR scheme is putting the cart before the horse when it comes to a number of trades and professions that are a long way off having harmonised or consistent occupational registration requirements and scopes of work. The architects of the AMR scheme may believe that implementing it will somehow force that harmonisation to occur more quickly, but that belief is not borne out by the evidence presented to us in the parliamentary inquiry into this bill. It is an approach that exposes the community to significant risk, leaving open a "race to the bottom" when it comes to, for example, workers obtaining registration in a State with less onerous requirements in order to then work here in New South Wales.

The one-size-fits-all approach of the AMR scheme does not work. There are many trades and professions where requirements are effectively harmonised and for which the introduction of AMR will simply cut red tape rather than change recognition outcomes. But for trades and occupations such as teaching, electrical, mining, plumbing, medical gas, fire protection, and building, maintenance and construction work, the introduction of AMR will cause more problems than it solves. Those trades and professions must not be part of the referral of powers to the Commonwealth under this bill.

During the inquiry into this bill, it was put forward by some that the New South Wales Parliament's powers in choosing whether or not to agree to this bill in the form proposed are limited—that we are in some way bound to honour the understanding between State Ministers and Commonwealth Ministers in relation to the AMR. The idea that either the Commonwealth Government or the New South Wales Government—or the two of them together—could limit the legislative powers of the Parliament by way of an advanced agreement is a deeply problematic one and should not be taken seriously. Again, it is a fundamental principle of our democracy that the Executive is unable to tell the Legislature what it can and cannot do. With those comments, I reiterate that The Greens will be opposing the bill in its current form and will only support it if the amendments are agreed to.

The Hon. MARK BUTTIGIEG (16:53): As my colleague the Hon. Daniel Mookhey pointed out, Labor will be moving amendments to knock the Mutual Recognition (New South Wales) Amendment Bill 2021 into shape—and let me say from the outset it is a bill that needs quite a bit of knocking into shape. Of course, on the surface automatic mutual recognition [AMR] sounds great—and it is. The Opposition agrees with the principle that occupations should be able to flow across State borders without any restrictions. It is a silly idea that an electrician or a plumber or a builder can carry out their trade in New South Wales but not automatically be able to do so in Queensland or Victoria. It sounds silly, and it is. But as always with these things, the devil is in the detail.

I remember from the days when I was an electrician that because of the different classification systems and licensing regimes what is an apple in New South Wales is not necessarily an apple in Queensland. If we were to allow this legislation to go through unamended we would have situations where, for example, someone who was qualified superficially with an electrical licence in South Australia but who may have only been able to do one limited scope of work in the electrical field in that regime can come into New South Wales without any discussion with NSW Fair Trading and no vetting. You would not even know if that person was working in New South Wales because there is no requirement for registration. They could start working away. What Labor proposes to do with the amendments is fix up the legislation so that those occupations are exempted. I will talk more to that when we go through the substantive amendments, but I will now proceed to outline the issues with the bill so that members are aware of what we are doing here.

The proposed bill refers power to the Commonwealth Government to introduce the AMR scheme between States and Territories. Under the proposed legislation, AMR will permit an individual who is registered or licensed for an occupation in one jurisdiction to be considered registered or licensed to undertake the activities in a different jurisdiction. This takes place without going through further application processes or paying further registration fees and without any information and training in the second jurisdiction's rules and regulations. The Opposition accepts that the mutual recognition legislation—the AMR scheme—is good in principle. Whilst for some occupations the introduction of the proposed AMR might be beneficial and without issues, for other occupations it will be extremely problematic, creating severe safety risks not only for workers but for our community at large.

There are certain occupations that are not harmonised and if the Government's bill applied to them without any protections, it would be extremely problematic for the safety of not only workers but also the community at large. Therefore, the Opposition cannot support legislation in the method proposed by the Government. We have worked with the Government to ensure Opposition amendments address the need to exempt certain industries. We also have a written undertaking from the Minister that he will ensure the occupations will be exempted until he has engaged in adequate consultation with the unions and the relevant safety issues have been addressed. The Government will also confirm this in Parliament. The Minister will not be able to make a revocation of the exemptions unless consultation has been conducted with the trade unions and industry groups.

The Government's legislation was referred to a committee inquiry, in which I participated along with my colleagues the Hon. Adam Searle and the Hon. Tara Moriarty. Submissions were made to the committee, and at the hearing we were able to listen to a range of different stakeholders across distinct industries. It was very clear that the majority of witnesses were deeply concerned about the lack of harmonisation across jurisdictions in their high-risk occupations and that there is a high risk to public safety if the legislation passes our Parliament in its proposed form for their occupations. It must be noted that we heard about these concerns not only from unions representing concerns of their workers but also from employer representative groups and key training authorities across different occupations. The Opposition has listened to the experts who spoke at the inquiry hearing, and our amendments address the deep concerns from the participants at the hearing.

Labor's amendments ensure certain industries and occupations can be excluded until adequate work has been completed to harmonise those occupations and to address the safety concerns of industry experts, as the committee recommended. The amendments also ensure that the proposed AMR scheme can proceed where occupations and industries have not advised of any detrimental impact. This is an important point: The vast majority of occupations that are already harmonised go through under these amendments. Unfortunately, the Commonwealth Government did not undertake adequate stakeholder consultation, especially regarding safety

concerns. The committee heard evidence that stakeholders felt that the Commonwealth Government did not conduct a thorough consultation process. Stakeholders expressed that their issues were not considered in regards to the inadequacy of the legislation and associated safety issues. At the recent inquiry hearing, Mr Watts from the Australian Council of Trade Unions said:

... we have a number of concerns about the legislation as it currently stands and primarily these arise out of the process through which the legislation has been developed, which was not a process where they consulted, either federally or in New South Wales, or where there was significant consultation with industry about the scheme, how it would function and how it might be applied. I think there was potentially one short meeting at the Federal level about how this scheme could progress and I do not think any of the changes that were recommended as part of that meeting were implemented.

Mr Gauld from the Electrical Trades Union said:

There has been no consultation at the New South Wales State level whatsoever with stakeholders and so a lot of these concerns have not been able to be ventilated adequately. The consultation at the Federal level was invitations to 30-minute Zoom meetings with a whole range of different occupational constituency, making it very difficult to ventilate the technical issues that we are trying to discuss.

The Opposition considers it important that there should be amendments to ensure these high-risk industries are excluded from the legislation until the work to address safety and harmonisation is done. New South Wales is our nation's largest State economy and is home to almost one-third of Australians. We therefore believe that the State Government should not be relying on the consultation process conducted at a Federal level for high-risk industries, as evidence was presented at the inquiry hearing of its inadequacy. We should also know how this will impact our State specifically. It is in the interests of the safety of our residents that the Opposition amendments are passed, as they will allow exemptions for occupations that have large variances across jurisdictions and would be poorly impacted without an exclusion at this time.

At the inquiry hearing both unions and employer representative groups expressed issues with safety and did not support the legislation in its current form. Stakeholders expressed that safety of the public, including workers and consumers, is put at risk in relation to high-risk occupations, where there are differences in licensing, registration and regulatory and safety frameworks across jurisdictions. Stakeholders have warned there could be fatalities if the automatic mutual recognition [AMR] is instituted in the proposed form. The NSW Utilities and Electrotechnology Industry Training Advisory Body, which is an independent training organisation, indicated that the proposed AMR may lead to fatalities. It said:

Electricians without proper gap training may employ out-of-date or inappropriate practices to perform work that will lead to incidents or unfortunately accidents of a fatal nature.

The Electrical Trades Union, NSW Branch, stated in its submission:

If implemented as proposed AMR will lead to unsafe electrical work, increased electrical risks, electrical fires, electrical injuries and electrical fatalities.

We heard witnesses across industries say that there could be severe consequences without exemptions for high-risk industries, as it would allow for less skilled and experienced workers to attempt work they are not trained to perform and in a jurisdiction where they do not understand the differences in the workplace environments. A common view from the stakeholders was that the legislation could lead to dangerous building defects, costly delays in rectifying work and increased claims on home warranty insurance, which will poorly impact consumers.

We also heard concern that there will be enforceability issues, as the regulator does not even have to be informed that a worker from a different jurisdiction is working in our State. There are significant differences from jurisdiction to jurisdiction in high-risk occupations, resulting from different licensing regimes and partially due to differences in VET course content and delivery and also different environments across jurisdictions. The legislation, without further amendments today, would automatically deem those individuals to be licensed or registered as if their occupations and work were identical. That would render workers unable to operate either safely or effectively without additional testing or training.

Stakeholders from these occupations expressed concern that the legislation will create a race to the bottom in licensing requirements, rather than upholding the high standards that the industries and trades need. The electrical industry has also been informed that the Queensland and Victorian governments will exclude their electrical industries from the legislation. These jurisdictions and others could follow across the mining, building, maintenance and construction industries. It is therefore important that we protect our residents by excluding these occupations at this time to address those safety issues. The Australian Education Union NSW Teachers Federation branch explained that it has significant concerns regarding child protection. It provided evidence that the proposed legislation places children at great risk. Therefore, an amendment is needed to this legislation to ensure that we exempt the teaching profession to keep children across New South Wales safe.

The inquiry also heard from stakeholders about concerns that the Commonwealth has been relying purely on one report where it did not conduct any analysis of the concerns of stakeholders or even talk to them.

Stakeholders expressed concerns about the validity of the report, saying it is not based in reality and it is not consistent with other research on the AMR. No other sources or publications support the claim in the report. Stakeholders also presented a view that it could have the opposite impact for high-risk industries during this time, as in its current form the legislation would place all of the regulatory burden and compliance onto businesses and individuals, whereas before it was the regulator's job. Tony Palladino, Executive Officer, NSW Utilities and Electrotechnology Industry Training Advisory Body, stated at the hearing:

The regulators are good checks and balances. If they start opting out, you are putting a lot of onus on small business.

Without Labor's amendments, small business and individuals would have to work out the differences in licence and registration requirements and training, which would be very time consuming as there are significant differences across the jurisdictions. It is essential that there are amendments to this legislation to exempt occupations with substantial differences until the work is done to ensure the adequate harmonisation of the occupations and the safety issues are addressed. The Construction, Forestry, Maritime, Mining and Energy Union submission to the committee also demonstrated that a 2015 Productivity Commission research report on mutual recognition schemes warned of the safety issues with occupations that were not harmonised and that further safeguards were needed if there was to be any update to our current mutual recognition laws. The report states:

The Commission thus proposes that any expansion of AMR to new professions and jurisdictions should be phased in, starting with professions where standards are similar across jurisdictions and the profession is large and mobile.

The Commission recognises that the risk of undesirable outcomes from visiting service providers means a reasonable degree of harmonisation is important to successfully implement AMR.

The Productivity Commission's report also warned that it would not be appropriate to change the AMR for the occupations with the significant differences. The report states:

For some professions, particularly where health and safety considerations are significant and qualifications vary significantly between jurisdictions, barriers to acceptance of AMR by regulators and the broader community are likely to be high and there might be requirements for additional safeguards to achieve acceptance. In some cases where the scope of work varies widely across jurisdictions, the benefits of AMR might never be likely to exceed the costs and it would not be appropriate to implement it.

Since this report there have been no changes in the terms of harmonisation or improving the significant variations across high-risk occupations. Therefore, we should not be diverting from this advice until there are safety measures put in place and that harmonisation takes place for high-risk industries. Labor believes that the Government's bill which updates our current mutual recognition laws will be beneficial for a number of occupations and industries. We are pleased that the Government has agreed to our amendment which excludes high-risk occupations within the electrical, teaching, mining, diesel mechanic and building, maintenance and construction industries. We are also pleased that the Minister has provided a letter confirming the exemptions and the New South Wales Government's commitment to consult meaningfully with relevant industry stakeholders, including unions, employers and relevant regulators relating to this issue.

The Productivity Commission piece of the speech says it all. Five years ago a Productivity Commission report said the very thing that we are saying now, that is, for a suite of occupations that are not harmonised, this could be counterproductive for both productivity and safety. Therefore, those particular occupations should not be included in AMR. If they are to be included, they need to be harmonised first and phased in. I thank the Government, in particular the Treasurer and his office, for working with us on these amendments and seeing the logic in what we are trying to do with them. I also thank my colleagues the Hon. Adam Searle and the Hon. Daniel Mookhey for helping out.

The Hon. SCOTT FARLOW (17:10): On behalf of the Hon. Damien Tudehope: In reply: I thank honourable members for their contributions, in particular the Hon. Daniel Mookhey for one of his greatest contributions to debate in this House. I thank also the Hon. Mark Buttigieg and Ms Abigail Boyd. As the Treasurer has said:

This is a timely and important economic reform as New South Wales lays the foundation to drive an even stronger post-pandemic economy in the long term.

The Commonwealth, States and the Northern Territory have all come together and agreed to this automatic mutual recognition scheme for occupational registrations. The bill creates a new referral to the Commonwealth which will enable the Commonwealth Parliament to make appropriate amendments to Commonwealth legislation. That legislation has passed the Senate. The legislation means that New South Wales will lead the way, being the first jurisdiction to update its referral powers and allow a commencement of the national scheme on 1 July. The bill has been prepared in consultation with other jurisdictions and it has been to the National Cabinet table as well. I will not recite the points that have already been mentioned by the Government and other members, but I note the Opposition amendment and indicate that the Government will not be opposing it. While it will temporarily exclude a small number of occupations from the scheme, it allows the Commonwealth legislation to pass intact and for the scheme to commence on time. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have one Opposition amendment appearing on sheet c2021-071E.

The Hon. MARK BUTTIGIEG (17:13): I move Opposition amendment No. 1 on sheet c2021-071E:

No. 1 Exemption of certain occupations from automatic deemed registration

Page 5, Schedule 1. Insert after line 15—

5D Minister required to seek exclusions for certain occupations

- (1) The Minister must, before or no later than 1 month after section 42T of the amended Commonwealth Act commences, make a declaration using section 42T (a **temporary exclusion declaration**) to exclude each relevant occupation from the operation of automatic deemed registration.
- (2) If a temporary exclusion declaration for a relevant occupation is not revoked before the end of the initial exclusion period, the Minister must make a declaration using section 42S of the amended Commonwealth Act (a **significant risk exclusion declaration**) to continue its exclusion from the operation of automatic deemed registration.
- (3) The Minister must make further significant risk exclusion declarations for an occupation mentioned in subsection (2) each time a previous significant risk exclusion declaration for the occupation ends for a reason other than revocation.
- (4) The Minister must comply with subsections (2) and (3) before the previous declaration ends.
- (5) The Minister must consult with relevant trade unions and industry groups at least once during each 12-month period during which a significant risk exclusion declaration for a relevant occupation is in force about whether the continued exclusion of the occupation is appropriate having regard to the purpose of the amended Commonwealth Act specified by section 3 of that Act.
- (6) The Minister must not revoke a temporary exclusion declaration or significant risk exclusion declaration for a relevant occupation before it is due to end unless the Minister—
 - (a) has tabled a revocation proposal in each House of Parliament, and
 - (b) the disallowance period for the proposal has ended or all motions to disallow the proposal have been defeated.
- (7) A revocation proposal for a relevant occupation must state—
 - (a) the trade unions and industry groups the Minister has consulted about the proposal, and
 - (b) the reasons why the Minister is satisfied the end of the exclusion of the occupation from the operation of automatic deemed registration would not—
 - (i) place the public at risk of harm, or
 - (ii) compromise the effective regulation of the occupation in the State.
- (8) The *Interpretation Act 1987*, sections 40 and 41 apply to a revocation proposal in the same way as they apply to a statutory rule.
- (9) This section does not limit or prevent the Minister making or revoking temporary exclusion declarations or significant risk exclusion declarations for occupations other than relevant occupations.
- (10) In this section—

amended Commonwealth Act means the Commonwealth Act as amended by the *Mutual Recognition Amendment Act 2021* of the Commonwealth, as in force from time to time.

automatic deemed registration has the same meaning as in the amended Commonwealth Act.

initial exclusion period means the period of 12 months beginning when section 42T of the amended Commonwealth Act commences.

relevant occupation means any occupation for which an individual must be lawfully authorised under a law of the State to carry on activities involving—

- (a) teaching work, or
- (b) electrical work, or
- (c) mining work, or
- (d) the work of a diesel mechanic, or

- (e) building, maintenance or construction work, including the following—
 - (i) engineering work,
 - (ii) gasfitting work, including medical gasfitting work and medical gas technician work,
 - (iii) mechanical services and medical gas work,
 - (iv) air-conditioning work,
 - (v) the work of a refrigeration mechanic,
 - (vi) plumbing work,
 - (vii) tunnelling work,
 - (viii) welding work,
 - (ix) drilling work,
 - (x) the work of a fitter and turner,
 - (xi) the work of a shotfirer,
 - (xii) the work of a rigger or dogger,
 - (xiii) the work of a machine and heavy plant operator,
 - (xiv) fire protection work.

While quite technical in nature, the amendment essentially achieves what I tried to articulate in debate on the second reading. They subject the Minister to consulting with industry expertise—employers, industry training bodies and the unions—to ensure that an industry or an occupation is harmonised before being included in the mutual recognition schemes. A suite of occupations is not harmonised, which we heard about as a result of the consultation we conducted through the hearings we had on the committee referral. We heard from trade unions, employers and industry training groups.

Those occupations are listed on the second page of the amendment. They include: teaching work—I think Minister Sarah Mitchell has already recognised that by giving an undertaking that she would formally seek an exemption; electrical work; mining work; diesel mechanics; and building, maintenance or construction work, which includes engineering work, gasfitting work, mechanical services and medical gas work, air-conditioning work, the work of a refrigeration mechanic, plumbing work, tunnelling work, welding work, drilling work, the work of a fitter and turner, shotfirer, rigger or dogger, the work of a machine and heavy plant operator, and fire protection work. These occupations, along with those generic headings—building, maintenance and construction work—are not amenable to automatic mutual recognition because they are not harmonised.

The example I give—and it is a very generic one—is that we could have a situation where an electrician in South Australia may be licensed to carry out work on the distribution or supply network in their State but may never have seen the inside of a house in their life or had anything to do with wiring up a house, yet they have an electrical licence and qualification. They can come to New South Wales without any vetting and start wiring up Mrs Jones' house. The problem is that when the house burns down, it is too late and we then rely on litigation. This amendment will exempt that occupation until those harmonisation issues are resolved and the Minister is then able to opt in.

The Minister is only able to include that occupation in the scheme once the Government has adequately consulted with the groups that I outlined and it will be subject to the veto of this Parliament. If either House of Parliament does not think that consultation was carried out adequately and as a result the industry is not harmonised, it reverts to a 12-month exemption for those occupations and that rolls over into subsequent five-year periods. That in essence is the nature and effect of the amendment. I thank the Government for indicating its support for the amendment as I think it will add a lot of value. I commend the amendment to the Committee.

The Hon. SCOTT FARLOW (17:17): The Government supports the amendment, as has been noted by the Treasurer to the Hon. Daniel Mookhey. It requires the Minister to do certain things to ensure the safety and effective regulation of the occupations in this State. That was always the Government's intention. The Commonwealth bill allows the State Minister, in this case the Treasurer, to exempt certain occupations from the scheme in the State. The Treasurer has committed privately to members and publicly in debate in the other place to use these powers as appropriate.

The Government believes that the list of occupations is more extensive than it should be or needs to be. In fact, it contains occupations about which no representations were received while this bill was being reviewed by the portfolio committee. However, the Government accepts the amendment, and I note the Treasurer's letter to the shadow finance Minister to that effect. Notwithstanding the long list of occupations, I acknowledge the positive

engagement that has taken place by the Treasurer's office along with the Hon. Daniel Mookhey, the Hon. Mark Buttigieg and the Hon. Adam Searle on the matter. The amendment has been through a number of iterations and is better as a result of collaboration between all parties.

Ms ABIGAIL BOYD (17:18): The Greens will also be supporting this amendment. It is an excellent example of the work that this House can do—scrutinising through a short and sharp inquiry and, through that scrutiny and the evidence of witnesses to that inquiry, making it clear that amendments were required before this legislation could be passed. To then have this need culminate in a drafting fix that has been negotiated across the Chamber is one of those really good moments in the Legislative Council when we have achieved something for the better. The Greens support it. I thank all those involved.

Reverend the Hon. FRED NILE (17:19): I state for the record the support of the Christian Democratic Party for the amendment. I congratulate all involved on their spirit of cooperation to bring us to this point.

The Hon. ADAM SEARLE (17:19): My contribution to debate on the amendment will be brief. I was also part of the inquiry process relating to this bill. It is another good example of the capacity of the Legislative Council to not only conduct reviews of legislation but to do so in a brisk and timely manner. The legislation was quite challenging in a sense. Although the legislation was relatively simple because of the subject matter to do with the mutual recognition of different trades and occupations that are licensed, there was a lot of technical detail to get across quickly through the submissions made to the inquiry.

I place on record my appreciation of the technical expertise of the Hon. Mark Buttigieg, who is a tradesman and who is well experienced in the licensing and regulation of at least the electrical trades and work such as plumbing, gas fitting and other occupations that are relevant to the Gas Legislation Amendment (Medical Gas Systems) Bill 2020 which the Legislative Council debated. I pay tribute to the technical expertise of the Hon. Mark Buttigieg in assisting the committee inquiry process but also this legislative process.

Members of the Legislative Council have a wide diversity of backgrounds but on the Opposition side of the Chamber it is good to have people in Parliament with highly expert skills. Emerging from the evidence of the inquiry, Labor's initial approach in relation to these amendments was essentially to have structured amendments that would qualify the referral powers to the Commonwealth by exempting by name a number of the licensed trades and occupations and then provide a mechanism by which the Minister, after appropriate consultation, would opt those excluded trades and professions back in and that opting back in would be subject to the capacity of either House of Parliament to disallow that instrument. There were concerns of a constitutional nature about, first, the technical way in which those original amendments had been drafted, partly because of the impact it would have had on the Commonwealth legislation which may have required the Commonwealth Parliament to amend that legislation.

Secondly, although it is a matter for this Parliament as to what it would refer in terms of the powers under the Australian Constitution, there were concerns that the opt-in, opt-out mechanism might be ineffective and that that might in turn affect the exemptions of those trades and occupations. With the expertise of the Hon. Mark Buttigieg and of course the receptiveness of the Government in this instance to creatively engage in discussions, as well as the fine mind for detail of the shadow Minister for Finance and Small Business, the Hon. Daniel Mookhey, we worked through those issues. We have now the amendment in its current form, still drawing inspiration from the original but clothed in the language of the Federal legislation.

Hopefully, together with the commitments in writing made by the Government as well as what has been said in this House, members as well as those in affected trades and occupations should get the comfort they need in that most trades and occupations will be automatically recognised, except a handful who are kept out under the pressure to develop harmonisation and to ensure that consumer and public safety will be considered with the appropriate consultation with industry stakeholders. Having said that, I indicate my full-hearted support for the amendment before the Committee. It seems that the Committee is in agreement.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Buttigieg has moved Opposition amendment No. 1 on sheet C2021-017E. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

Adoption of Report

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That the report be now adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW (17:25): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Having reached the third reading stage and the Committee having considered the amendment, I will read a letter from the Treasurer to the Hon. Daniel Mookhey, who has carriage of the bill for the Opposition in this House. The Treasurer states:

Dear Mr Mookhey,

I write in relation to the Government's Mutual Recognition (New South Wales) Amendment Bill 2021 (the NSW Bill) and to the Opposition's proposed amendment c2021-071E which is before the Legislative Council. The Government intends to support this amendment.

I confirm that, if the Commonwealth Mutual Recognition Amendment Bill 2021 is commenced, I will use my power under the amended Commonwealth Mutual Recognition Act 1992 (the amended Commonwealth Act) to:

- (a) make temporary exemption declarations using section 42T of the amended Commonwealth Act in relation to each relevant occupation listed in section 5D (10) of the NSW Bill, within one month of the commencement of the automatic mutual recognition scheme.
- (b) if a temporary exclusion declaration for a relevant occupation is not revoked (under section 5D of the NSW Bill) before the end of the initial exclusion period, make a declaration using section 42S of the amended Commonwealth Act (a significant risk exclusion declaration) to continue its exclusion from the operation of automatic deemed registration.
- (c) make further significant risk exclusion declarations for a relevant occupation each time a previous significant risk exclusion declaration for the occupation ends, for a reason other than revocation (under section 5D of the NSW Bill).
- (d) do the things described at (b) and (c) above before the previous declaration ends.

In addition, I confirm the Government's commitment to meaningful consultation with relevant industry stakeholders including unions, employers and relevant regulators in relation to these matters.

Yours sincerely,

The Hon. Dominic Perrottet MP
Treasurer

The letter is dated today's date. I draw that to the attention of the House. I believe that the Hon. Daniel Mookhey may have some comments.

The Hon. DANIEL MOOKHEY (17:27): I acknowledge at the third reading stage of the bill that the bill has been significantly improved as a result of the Committee stage. That improvement reflects in large part the significant work undertaken by the portfolio committee to define the issues and to find a solution. It also arises as a result of the very hard work and advocacy of my colleagues the Hon. Mark Buttigieg and the Hon. Adam Searle throughout the entire process. That culminated in the letter from the Treasurer to me. I acknowledge receipt of the correspondence and make it clear that Labor's support for the third reading of the bill has been conditional on the commitments stated in the letter being made known to the public and crystallised on the record as an instrument of accountability to check that the referral legislation is being used appropriately.

I understand that the Treasurer in the other place, when the Legislative Assembly considers the amendment, will make an equal commitment. On that basis, Labor does not oppose the third reading of the bill. We thank the Government for its constructive engagement. We also thank Mr Chris Ashton from the Treasurer's office for the very professional manner in which the Treasurer's staff have dealt with the Opposition throughout the entire episode. We have indeed landed a good outcome for the people of New South Wales.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

MODERN SLAVERY ACT 2018

The Hon. GREG DONNELLY (17:29): The Government, in failing to proclaim the NSW Modern Slavery Act 2018, a piece of legislation that passed this Parliament 36 long months ago, is without a doubt treating the members of this place and the other as mushrooms or fools, or both. The time is up; this has to stop immediately. Recapping briefly on this tortured matter's recent history, on 17 and 18 February 2021 a motion regarding the Government's failure to proclaim the Modern Slavery Act 2018 was debated and voted on in the Legislative Council. The motion comfortably passed, with 24 ayes to 17 noes. Pursuant to the motion passed on 18 February, on 16 March the Leader of the Government in the Legislative Council provided, as he was required to do so:

... an explanation for not commencing the Act and to indicate to the House when the Act will commence.

Not satisfied with the explanation provided by the Leader of the Government in the Legislative Council on 16 March, debate on another motion was held on 17 March. That motion also comfortably passed, with 21 ayes to 15 noes. This shameful, fraudulent behaviour and disingenuousness towards the Modern Slavery Act 2018 and its supporters by the Premier and the Leader of the Government in the Legislative Council has now reached its nadir. Honourable members will be aware that on Tuesday this week the Leader of the Government in the Legislative Council got up in the House with a puffed-up chest and moved the following motion:

That leave be given to bring in a bill for an Act to amend the Modern Slavery Act 2018 to make further provision with respect to slavery, slavery-like practices and human trafficking; and for other purposes.

People who have not been following this matter closely may naively believe that that announcement is good news. That would be a grave misjudgement. The truth of the matter is that the Premier, the Leader of the Government in the Legislative Council and the master puppeteer Mr Michael Photios, the numero uno Liberal Party operative in this State who sits at the Cabinet table—perhaps not in person but certainly in overwhelming spirit—do not want the Modern Slavery Act 2018 as passed by the Parliament to become law. The truth of the matter is that the Premier, the Leader of the Government in the Legislative Council and Mr Michael Photios are about to try to fit up this Parliament and its members who passed the Modern Slavery Act 2018 with a number of brutal amendments to the Act which will gut a number of its groundbreaking provisions. How do I know this? It is very straightforward and all in plain sight.

On 10 July 2019—23 long months ago—the Leader of the Government in the Legislative Council wrote to the Hon. Shayne Mallard, the then chair of the Legislative Council Standing Committee on Social Issues, requesting that the committee undertake an inquiry into the legislation passed by this Parliament and which had received royal assent but had not been proclaimed. The letter expressly laid out in attachments A and B what were described as the Government's "number of issues with the NSW Act". It then went on to say:

A draft Modern Slavery (Amendment) Bill 2019 (NSW) (Attachment C) has been prepared to address these difficulties and is enclosed for the Committee's reference.

There it is. Twenty-three long months ago the Government not only considered but had prepared the amendments it wanted to make to the Modern Slavery Act 2018, notwithstanding its unambiguous strong support for the legislation that passed the Parliament. The Premier specifically took carriage of that legislation and steered it through the Legislative Assembly. With its amendments ready to roll in July 2019, the Government deliberately orchestrated a Legislative Council inquiry, which tabled its report on 25 March 2020—eight months after it was referred to the Standing Committee on Social Justice. Instead of responding to the inquiry's report and recommendations in a timely way, which it could have chosen to do, the Government dragged out its response for six full months until finally getting back to the Parliament in September 2020.

Then and there—and it is always a "then" with this matter—the Premier, the Leader of the Government in the Legislative Council and Mr Michael Photios came up with a cock-and-bull story that the New South Wales Government had to now undertake negotiations with the Commonwealth Government over the amendments to the Modern Slavery Act 2018—amendments, members will recall, that were drafted all the way back in June-July 2019. Today, 36 long months after the Modern Slavery Act 2018 passed this Parliament, we are still waiting. The only real question for supporters of the legislation to consider is: What contrived ploy or scheme will the Premier, the Leader of the Government in the Legislative Council and Mr Michael Photios now come up with to further delay the implementation of the Modern Slavery Act 2018? Jointly those three individuals have quietly worked together to find long grass to kick this matter into. What will be the next patch of long grass they will kick this matter into? Stay tuned.

CEMETERIES AND CREMATORIA NSW

The Hon. MARK BANASIAK (17:35): The Government's obstinate decision to appoint an administrator to run five cemeteries in Sydney needs to be stopped permanently. Privatisation and government control of

cemeteries will mean only one thing: The cost of burials will increase, making dignified funerals impossible for many sections of our community. The Government has mismanaged its own cemeteries into a \$300 million deficit and its way of covering its tracks is to make a grab at the Catholic Metropolitan Cemeteries Trust, which can cover its liabilities for the next 50 years. That trust holds 102 per cent of loaded funds for perpetual care and maintenance. The Catholic Metropolitan Cemeteries Trust has been played by the Government, the Premier and the Minister.

After four years of negotiations, with the Catholic Metropolitan Cemeteries Trust, the archdiocese and the Muslim and Jewish communities thinking they were working towards a solution with the Government, they were actually being duped by the Premier and her Government. It is no wonder those communities feel it is an attack on their faith. The Minister responsible for Crown land, Melinda Pavey, told the trust, "You'll be part of the solution". She really meant that its money will be part of the solution. The \$300 million deficit needs to be paid and the Government's solution is to take it from a charitable organisation that has been providing dignity to the dead and support for their loved ones for 153 years. Now they are being excluded and replaced by a Government and bureaucracy that have a disastrous track record in the management of cemeteries. The business case does not stand up.

The State faces a critical shortage of cemetery space. The Catholic Metropolitan Cemeteries Trust has two shovel-ready sites approved that will address that shortfall for the next 50 years. Minister Pavey put a halt on the Varroville site, which would have provided 136,000 burial sites to Sydney. I asked a question without notice in March requesting an explanation from the Minister as to why there was a stop-work order on the construction at Varroville. We have not received an answer yet. Things move very slowly with Minister Pavey and her department. The Government has made no provisions for a new cemetery in 100 years and no provisions for the perpetual care of graves, despite the critical shortage.

The Catholic Metropolitan Cemeteries Trust has solutions that will be at no cost to either the State taxpayers or the Government, but it is being prevented and with no explanation as to why. The reports produced on the critical shortage of burial space all support the Catholic Metropolitan Cemeteries Trust's continued role in providing solutions for cemeteries. Therefore, this decision is wrong. Archbishop Anthony Fisher, OP, said:

Cemetery management will now be handed over to a costly, Government bureaucracy, with no sympathy for the mission of caring for the dead and no experience in care for graves. It is a shocking decision ...

The CEO of the Catholic Metropolitan Cemeteries Trust, Peter O'Meara, came to me in March to discuss the issue, telling me the Government would levy a 7 per cent tax to cover the maintenance costs of running the cemeteries. Taxing the dead! We have heard it all now from Berejiklian. The Catholic Metropolitan Cemeteries Trust and other religious organisations take burials seriously. It is part of their mission and they often foot the cost of funerals for those who cannot afford them. That will all disappear when this lands in the lap of bureaucracy. Make no mistake, this is a hostile takeover by a Government that has no accountability and no respect for people of faith.

DOMESTIC AND FAMILY VIOLENCE

The Hon. CATHERINE CUSACK (17:38): On Thursday 3 June I was honoured to join a fantastic group of local community members and fellow members of Parliament at The Cove restaurant in Ballina. We gathered in a bipartisan show of support to launch a fundraising drive for the Momentum Collective's women and children's refuge in my local electorate of Ballina. I acknowledge the attendance of the member for Ballina, Tamara Smith, the member for Lismore, Janelle Saffin, and the deputy mayor of Ballina, Councillor Sharon Cadwallader. The keynote speaker on the day was the wildly hilarious local comedian and Ballina women's refuge campaign ambassador Mandy Nolan. Ms Nolan has lived experience of domestic and family violence and is passionate about the issue.

Domestic and family violence is an issue that deeply concerns my community. Most of us do not know what it is like to be a child without a safe place. Ballina Women and Children's Refuge, which provides a safe place for over 130 women and children escaping domestic and family violence each year, requires ongoing funding to deliver accommodation and vital domestic and family violence support services. The refuge provides temporary accommodation together with linens, towels, paid electricity and water bills, plus the use of communal spaces and information on safety planning, risk management and individualised case management with support workers. It offers support and referrals for services such as counselling, police, court advocacy services, victims' financial support, social support, family law and legal aid. It also provides culturally appropriate and safe services, particularly for Aboriginal women and their children through its Aboriginal partner agencies and for culturally and linguistically diverse families. There is a substantial Indigenous community in my region.

The Momentum Collective is a collaborative, community-focused organisation creating social change and inclusive opportunities. The roots of this wonderful collective go back to 1979 when it began by bringing together a raft of community organisations in the Northern Rivers region, with a goal of empowering people and creating

connected communities. It has since merged with other valuable community organisations to expand its footprint and provide housing, outreach services and rehabilitation options for its clients. The collective now has locations from Coffs Harbour to the Queensland border, helping people put a roof over their head, get a job, engage with their local community and live a better quality of life.

Last year the generous local community rallied to help renovate and refurbish the refuge to ensure women and children seeking support would feel welcome and comfortable in the house. The organisation has also been consistently supported by the Rotary Club of Ballina-on-Richmond and a number of small businesses have organised fundraising events. Following the recent fundraising event, the organisation has already started to see donations come in for the Ballina refuge. Ms Nolan is organising a comedy night to be held at the Ballina RSL Club in September. I certainly hope to be there.

Safety is a basic human right for women and children. Feeling and being at risk invades every waking moment. It ruins work and education opportunities and destroys self-esteem. In addition to providing accommodation, refuges provide expert support that can turn lives around. Domestic violence is not a women's issue; it is whole-of-community issue. It is vital that women and children in our local community have a safe and stable place to go when they need to leave a coercive, violent or abusive environment. The Ballina Women and Children's Refuge is the only safe haven for women and children escaping family violence in my community.

I make special mention of Momentum Collective's Service Director, Sarah Dybing, and her staff, for coordinating the fundraising drive and encouraging people to make a donation or even volunteer by visiting mymomentum.org.au or calling 1300 900 091. To access the domestic and family violence service, call the domestic and family violence 24/7 response line on 1300 355 305. Every donation helps the refuge keep women and children safe and provide support to families in overcoming the trauma and upheaval brought on by domestic and family violence. I thank everyone supporting those helping hands for women and children in crisis. It ensures this important community asset continues to operate and provide vital ongoing support services to the local community so that survivors can begin to rebuild their lives.

COVID-19 AND WEALTH GROWTH

Ms ABIGAIL BOYD (17:43): Since COVID-19 began, how many billions of dollars have you made? Chances are that if you are not one of Australia's billionaires—and that is pretty likely, given there are over 25 million of us and just 45 of them—your answer will be that not only did you not make billions since COVID began but you actually have less savings than you had before. While everyday Australians were struggling to make ends meet, while people in our communities were not sure if they could keep a roof over their head, put dinner on the table or have a job to go to in the morning, and as the harshest effects of COVID-19 were borne by young people, women and the poorest amongst us, the billionaires were laughing all the way to the bank. That is thanks to choices made by Liberal-Nationals governments. If that makes you angry, it should.

It is well known now that in 2020, when the world was gripped by COVID-19, the world's billionaires did incredibly well. Thanks to corporate handouts from Scott Morrison and his friends, Australia's billionaires were no exception. Gina Rinehart, whose business is built on plundering our natural resources for private profit, saw her personal fortune increase by \$20 billion during the 12 months to February 2021. Similarly, Andrew Forrest increased his personal wealth by over \$16 billion, while the two founders of Atlassian each pocketed an additional \$9 billion. Developers Harry Triguboff and Hui Wing Mau, as well as Clive Palmer, Anthony Pratt, Frank Lowy and Kerry Stokes, each made a small fortune out of COVID-19. The list goes on. It is hard to imagine.

In fact, Australian billionaires and multi-millionaires had a bumper year last year. Economic inequality, particularly wealth inequality, continues to grow in our country. The top 20 per cent of households own over 90 times as much wealth as the lowest 20 per cent, and 84 per cent of all wealth is held by the top 40 per cent of households, with almost half of Australia's wealth held in the top 10 per cent. Without assets to fall back on, more and more people are at risk of poverty when work dries up. While those with a backing of assets—whether they own the property they live in or receive income from other properties or investments—can continue to thrive during pandemics, those with both precarious work and little to no assets—that is, the majority of people in this country—are living on the verge of poverty every day. That is a reflection on all of us here. That is a failure of governments to make the right choices. It is a failure to choose to keep people out of poverty.

Make no mistake, Australia is a wealthy country. We have more than enough to feed, clothe, shelter, educate and look after our population. We have more than enough to remove the constant threat of poverty and the stress it brings to people's lives. But we refuse to share our wealth fairly. Even just a modest wealth tax on Australia's billionaires would go a long way towards a fairer economy for Australia; however, it must be coupled with measures to bring economic security to the least wealthy Australians. A universal basic income is the easiest way to achieve that—a weekly payment to all Australians with no conditions and no strings attached that is not

means tested but will be repaid by higher earners through income tax. That will ensure no-one in Australia is ever just a pay cheque away from poverty.

What's more, if the Commonwealth Government is not going to take steps to reduce economic inequality, the New South Wales Government has the power to introduce wealth and asset taxes on its own. For example, we can bring fairness back to our economic system with fairer property taxes and by taxing excess capital gains that are not caught federally. We can ensure that New South Wales Government subsidies and rebates and fees and fines collected are applied progressively and fairly. We can give casual and gig workers a real safety net for when times get tough. For the price of a few stadiums, we could transform New South Wales' economy with the introduction of a State-based universal basic income that guarantees everyone a minimum standard of wellbeing, no matter what. Governments make choices that allow certain people to exponentially grow their billion-dollar empires during a pandemic while others are left without food and shelter, forced to work multiple jobs or go to work sick. We have the power and the responsibility to change this.

NORTHERN RIVERS SPORTING ACHIEVEMENTS

The Hon. BEN FRANKLIN (17:48): I end this week's sitting on an incredibly positive note. As members of the Chamber know, I am passionate about where I call home. It gives me no greater pleasure than to talk about amazing recent sporting achievements across the Northern Rivers. The far North Coast is full of talented sports men and women. It is a privilege to honour them tonight. The Swimming North Coast winter championships were held on the last weekend of May, and the Lismore Workers Swim Team smashed personal bests and scored plenty of medals at this year's event. From individual races to relays, the team put their best arm forward and they should be immensely proud of their performance.

The Lismore Workers Swim Team is made up of two members hoping to be selected for the Paralympics, Ben Auckram and Mckinley Arnison. Mckinley recently won gold and bronze at the 2021 Australian Age Swimming Championships on the Gold Coast and Ben placed fourth in the 400-metre freestyle. Both have an impressive track record of medals and results under their belt. The Olympic trials begin in Adelaide this weekend, so I wish them both the very best of luck.

Staying in the water, the Lennox Head Rainbow Dragons boat team has also been victorious, winning gold and silver in 10 out of 12 events at the national Coast to Coast Dragon Boat Festival on the Sunshine Coast. The club took out the winning position for events in which it has never medalled before. Head Coach Mary Davis said that there was "tremendous paddling and teamwork from everyone". The club has an important ethos of fitness, fun and friendship and has helped to create a support network through its breast cancer survivors team, which is just wonderful. I have had the privilege of training—just once—with the Lennox Head Rainbow Dragons boat team. It was one of the most challenging physical experiences of my life. I will not be doing it again any time soon, but it does make me respect the team all the more.

Moving on to solid ground, hockey players across the North Coast also have plenty to be proud of. The Australian Hockey Championships were recently held in Bathurst where both the NSW Under-15 Boys and Girls teams took out the title. Four of the players on those teams are based in the Northern Rivers. Connor Makings, Hollie Matthews, James Coleman and Kalani Franklin are exceptionally talented young players, and I cannot wait to see where their future takes them. Far North Coast Hockey can also boast that players have been selected into the NSW Women's Masters State teams, the NSW Over-50s team and the NSW Under-15 Field Squad to compete at the 2022 Australian Championships. The Division 1 men's team also took out the title at the NSW Field State Championships last weekend in Grafton, and the Division 2 Under-18 Girls team was crowned runner-up a fortnight before in Goonellabah.

The Far North Coast Rugby Union Club is also full of emerging talent, with its under-16 junior players taking out the title in this year's NSW Country Championships. It is my understanding that they are the first far North Coast team to win a country title at that level, making history. On top of this, five of the boys have been selected to join the NSW Country Under-16s team, which is an extraordinary honour. I congratulate Spencer Alcock, Luca Beasley-Kenk, Fergus Gillan, Domanic Mason and Raife McKenzie. Fergus' sister Isla Gillan has also been selected to play for the NSW Country Under-14 Girls team, with Jimmy McCombie from Lennox Head selected to play for the boys. Kali Ainsworth from Casino was also selected for the NSW Country Under-16 Girls team. What a talented group of young rugby players!

Lismore was also recently host to the Northern NSW Hack Championships. Talented duos of riders and their horses were competing to appear at next year's Grand National in Sydney. Huge cohorts of riders and classes competed at the event, and I extend a huge congratulations to all of the competitors and winners. I make special mention of Anastasia Blanch of the Murwillumbah Pony Club and her horse Bordershow Midnight, who won Champion First Ridden Hunter Pony at the event. Another duo, twins Peyton and Tiani Hogan from Mullumbimby, are making their mark in athletics as a pair competing and placing at the recent Australian Track

and Field Championships in Sydney. Peyton placed fourth in the 440-metre hurdles, while Tiani placed second in the under-17 javelin and now holds a top-10 world under-18 ranking for her best throw in javelin.

I am so proud of these achievements and the talent in our region. It is incredibly uplifting to see these successes reported in our local media again and again. We have an extraordinary community up on the Northern Rivers, which perhaps is known more for its creativity but its sporting prowess is just as phenomenal. I extend my congratulations to all of the teams and individuals that I have mentioned today and I wish them the very best of luck for their upcoming competitions.

JULIAN ASSANGE

The Hon. MARK BUTTIGIEG (17:53): Australia takes pride, and rightly so, in being a strong and mature western democracy. Our country is built on respect for human rights, the principle of a fair trial, justice not only being done but being seen to be done and each one of its citizens being entitled to the right to a fair go. We hear this being said in Australian parliaments regularly, particularly by our Prime Minister and members of his Cabinet, and we see those principles enshrined in domestic and international laws. Unfortunately, in the case of one of our most outspoken citizens, journalist and publisher Julian Assange, our leaders have deliberately ignored those domestic and international obligations. As of 11 April Australia will have allowed Mr Assange to languish for two years in a high-security prison in Belmarsh while our Prime Minister and our Minister of Foreign Affairs have hidden behind talking points to avoid taking action to secure his release.

While the United States of America authorities have been investigating the WikiLeaks founder since 2011, their indictment charges remain unclear and unjustified. Their use of the Espionage Act to charge Assange with "computer intrusion" is an assault on the First Amendment to the United States Constitution. The US has dangerously assumed a position that it has jurisdiction over all journalists internationally, regardless of whether they are US citizens or not. Not only is this use of the Espionage Act to charge a journalist unprecedented, it is also unfounded considering Assange is an Australian citizen and not subject to US secrecy laws. The court hearing in London made it clear that Mr Assange would face 18 Federal charges and 175 years in a maximum-security prison if he is extradited to the US. Let us be honest, at its root this is all about WikiLeaks publishing notorious helicopter footage that showed the killing of innocent civilians and exposing those war crimes. Australian barrister Greg Barns recently said the following in an interview with Sara Chessa:

The UK courts have rightly recognised that extradition for Julian means he would die in a United States prison.

That view is supported by hundreds of international lawyers and legal academics, including Professor Nils Melzer, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Melzer has indicated that if extradited to the US, Julian Assange will be exposed to "torture and other cruel, inhuman or degrading treatment or punishment". Whilst alive Assange would be placed under special administrative measures—a misleading term to describe measures which the London court has said are "oppressive" and which would likely lead Mr Assange to commit suicide. Mr Assange would be placed in solitary confinement, isolated from his lawyers, family and friends and his fellow Australians who would have no information concerning his treatment in prison.

If extradited to the US, Assange could face further charges which carry the death penalty. Senior representative bodies such as the Law Council of Australia, the Council for Civil Liberties, Doctors for Assange, Amnesty International and the Federal Parliamentary Group named Bring Julian Assange Home have voiced deep concern about the extradition process. The Australian Council of Trade Unions executive frames the violation of Assange as an "attack on journalists, journalism and the public right to know". *The Washington Post*, *The New York Times* and others would agree: This extradition attempt is a political one at its heart.

Anthony Albanese has thrown his support behind Assange, claiming "enough is enough" and that nothing is served by keeping Assange incarcerated. Supported by shadow Minister Mark Dreyfus, who raises concerns over Assange's ill health and welfare, he calls on the Government to "draw a line" and bring this case to an end. Meanwhile, the Morrison Government has pledged meaningless consular assistance to Assange, claiming that the Australian Government is unable—or more likely unwilling—to intervene in Assange's legal proceedings. With skilful diplomacy, Australia has been able to secure the release from jail of academic Kylie Moore-Gilbert and prior to that journalist Peter Greste and filmmaker James Ricketson.

We know that Mr Assange's health is in a precarious state and that as an Australian he is entitled to the protection of our Government. For these reasons, the decision of the London court to reject Julian Assange's extradition is welcomed. The responsibility now falls to our Prime Minister and his Cabinet to speak to our American allies and end the decade-long persecution of Julian Assange.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 17:59 until Tuesday 22 June 2021 at 14:30.