



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 23 June 2021**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Announcements .....	5931
COVID-19 and Parliament House .....	5931
Committees .....	5931
Joint Standing Committee on the Office of the Valuer General.....	5931
Membership .....	5931
Committee on the Health Care Complaints Commission .....	5931
Membership .....	5931
Procedure Committee .....	5931
Membership .....	5931
Subcommittees.....	5931
Documents .....	5932
Budget Finances.....	5932
Production of Documents: Order.....	5932
State Budget.....	5932
Production of Documents: Order.....	5932
Dam Infrastructure.....	5933
Production of Documents: Further Order .....	5933
Motions .....	5933
Ration Challenge .....	5933
Committees .....	5933
Select Committee on the coronial jurisdiction in New South Wales.....	5933
Membership .....	5933
Budget .....	5933
Budget Estimates and Related Papers 2021-22 .....	5933
Budget Estimates 2021 Timetable .....	5933
Members .....	5935
Parliamentary Secretaries .....	5935
Business of the House.....	5935
Suspension of Standing and Sessional Orders: Order of Business.....	5935
Order of Business .....	5935
Documents .....	5936
Mobile Speed Cameras .....	5936
Production of Documents: Order.....	5936
Hospital Infrastructure.....	5939
Production of Documents: Order.....	5939
Committees .....	5942
Select Committee on Floodplain Harvesting.....	5942
Establishment and Membership.....	5942
Documents .....	5946
Teacher Recruitment.....	5946

## TABLE OF CONTENTS—*continuing*

Production of Documents: Order .....	5946
Firearms Licences and Inspections .....	5947
Production of Documents: Order .....	5947
Motions .....	5949
Dark Emu by Bruce Pascoe .....	5949
Personal Explanation .....	5953
Transport Asset Holding Entity of New South Wales .....	5953
Announcements .....	5954
Covid-Safe Arrangements .....	5954
Questions Without Notice .....	5954
COVID-19 and Schools .....	5954
State Budget and Creative Capital Program .....	5955
School Hours Trial .....	5955
Deputy Premier and Fixated Persons Unit .....	5957
State Budget and School Infrastructure .....	5958
Transurban and Toll Roads .....	5958
State Productivity and Road Congestion and Tolls .....	5959
State Budget and Youth Mental Health .....	5961
Poker Machines and Problem Gambling .....	5961
School Hours and School Speed Zones .....	5962
State Budget and Small Business .....	5964
Fixated Persons Investigation Unit .....	5964
Supplementary Questions for Written Answers .....	5965
School Hours Trial .....	5965
Fixated Persons Investigations Unit .....	5965
Stamp Duty .....	5965
Questions Without Notice: Take Note .....	5965
Take Note of Answers to Questions .....	5965
School Hours Trial .....	5965
Poker Machines and Problem Gambling .....	5966
State Budget and School Infrastructure .....	5966
School Hours Trial .....	5967
Fixated Persons Investigations Unit .....	5967
State Budget and Small Business .....	5967
Eurobodalla Hospital Redevelopment .....	5968
State Budget and Youth Mental Health .....	5968
Take Note of Answers to Questions .....	5969
Written Answers to Supplementary Questions .....	5969
State Budget and School Infrastructure .....	5969
Private Members' Statements .....	5969
Regional Reproductive Health Clinics .....	5969
Israel Folau .....	5970

## TABLE OF CONTENTS—*continuing*

Hunter Region Coalmining .....	5970
Yanco Agricultural High School .....	5971
Myall Creek Massacre .....	5971
State Budget .....	5971
State Economy .....	5972
Richmond Bridge Duplication Project.....	5972
Greyhound Racing Industry .....	5973
Rural and Regional Health Services .....	5973
State Budget and Electric Vehicles.....	5974
Documents .....	5974
Monaro Farming Systems .....	5974
Production of Documents: Further Order .....	5974
Business of the House .....	5975
Postponement of Business .....	5975
Committees .....	5975
Public Accountability Committee.....	5975
Reference .....	5975
Bills .....	5978
Motor Accidents and Workers Compensation Legislation Amendment Bill 2021 .....	5978
First Reading .....	5978
Motions .....	5978
Animal Sentience .....	5978
Documents .....	5982
State Owned Corporations Review .....	5982
Production of Documents: Order .....	5982
Motions .....	5986
NSW Rural Fire Service Awards.....	5986
Documents .....	5989
Australian Clay Target Association .....	5989
Production of Documents: Order .....	5989
Bills .....	5991
Road Transport Legislation Amendment Bill 2021 .....	5991
First Reading .....	5991
Documents .....	5991
TAFE NSW Courses.....	5991
Production of Documents: Order .....	5991
Transport and Roads Infrastructure .....	5993
Production of Documents: Order .....	5993
Business of the House .....	5994
Postponement of Business .....	5994
Documents .....	5994
Exhibited Animals .....	5994

## TABLE OF CONTENTS—*continuing*

Production of Documents: Order.....	5994
Calala Lane and Campbell Road Roundabout.....	5997
Production of Documents: Order.....	5997
Business of the House.....	5999
Postponement of Business.....	5999
Documents.....	5999
School Infrastructure NSW.....	5999
Production of Documents: Further Order.....	5999
Mouse Plague.....	5999
Production of Documents: Order.....	5999
Committees.....	6002
Public Works Committee.....	6002
Reference.....	6002
Documents.....	6004
COVID-19 Recovery Plan.....	6004
Correspondence.....	6004
Education - Key Facts Documents.....	6005
Return to Order.....	6005
Public Land and Property Sales.....	6005
Return to Order.....	6005
Claim of Privilege.....	6005
Lockyer Street, Goulburn.....	6005
Further Return to Order.....	6005
Claim of Privilege.....	6005
Biobanks.....	6005
Return to Order.....	6005
Claim of Privilege.....	6005
Bills.....	6005
Electoral Legislation Amendment (Local Government Elections) Bill 2021.....	6005
Returned.....	6005
Families, Communities and Disability Services Miscellaneous Amendment Bill 2021.....	6006
Mutual Recognition (New South Wales) Amendment Bill 2021.....	6006
Assent.....	6006
Committees.....	6006
Legislation Review Committee.....	6006
Membership.....	6006
Motions.....	6006
Forbes Shire Council.....	6006
Documents.....	6009
Sydney Fish Market Redevelopment.....	6009
Production of Documents: Order.....	6009
COVID-19 Recovery Plan.....	6011

## TABLE OF CONTENTS—*continuing*

Response .....	6011
Motions .....	6015
Native Forest Logging .....	6015
Documents .....	6018
Daryl Maguire, Former Member for Wagga Wagga .....	6018
Production of Documents: Order .....	6018
Business of the House .....	6021
Postponement of Business .....	6021
Motions .....	6021
Healthcare Workers .....	6021
Documents .....	6026
Private Native Forestry Plans .....	6026
Production of Documents: Order .....	6026
Adjournment Debate .....	6027
Adjournment .....	6027
COVID-19 and the Environment .....	6028
State Budget and Cost of Living .....	6028
Tomerong Quarry .....	6029
Wagga Wagga Special Activation Precinct .....	6030
Mobile Speed Cameras and Toll Roads .....	6031
Wayne "Hollywood" Evans .....	6032

## LEGISLATIVE COUNCIL

Wednesday, 23 June 2021

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

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

### *Announcements*

#### COVID-19 AND PARLIAMENT HOUSE

**The PRESIDENT (10:02):** This morning we have been informed that several individuals who were at Parliament House yesterday have had COVID-19 tests after visiting a potential exposure site. You will see that there is increased cleaning activity happening across the building and indeed in this Chamber. I ask members to please cooperate with any requests to provide access to areas to clean. Whilst wearing masks is not mandatory, members and staff moving around the building, and in particular in the public areas, may wish to consider doing so. This could also include in the Chamber if a member so wishes. I also remind members of the distancing requirements in the Chamber and ask them to observe those requirements at all times.

### *Committees*

#### JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL

##### Membership

**The Hon. PENNY SHARPE:** I move:

That the Hon. Daniel Mookhey be discharged from the Joint Standing Committee on the Office of the Valuer General and the Hon. Adam Searle be appointed as a member of the committee.

**Motion agreed to.**

**The Hon. PENNY SHARPE:** I move:

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

**Motion agreed to.**

#### COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

##### Membership

**The Hon. PENNY SHARPE:** I move:

That under section 67 (1) (a) of the Health Care Complaints Act 1993, the Hon. Walt Secord be discharged from the Joint Committee on the Health Care Complaints Commission and the Hon. Greg Donnelly be appointed as a member of the committee.

**Motion agreed to.**

**The Hon. PENNY SHARPE:** I move:

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

**Motion agreed to.**

#### PROCEDURE COMMITTEE

##### Membership

##### Subcommittees

**The Hon. PENNY SHARPE:** I move:

- (1) That the resolution appointing the Procedure Committee be amended by inserting after paragraph (4):
  - (5) That the committee have the power to appoint subcommittees.
- (2) That, notwithstanding anything to the contrary in the resolution appointing the committee, the Hon. Adam Searle be appointed as a member of the Procedure Committee in place of the Hon. Penny Sharpe for the purposes of the committee's review of the standing and sessional orders.



**Motion agreed to.***Documents***BUDGET FINANCES****Production of Documents: Order**

**The Hon. DANIEL MOOKHEY (10:05):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, Treasury or the Department of Premier and Cabinet relating to the Government's 2021-2022 budget finances:

- (a) any document detailing recurrent and capital estimates at agency level for the financial years 2020-2021 (revised) to 2021-2022 inclusive, noting that printouts provided from Treasury's Financial Information System should only be the version consistent with the 2021-2022 State Budget;
- (b) any document identifying uncommitted, unallocated funds or contingencies within those forward estimates, noting that printouts provided from Treasury's Financial Information System should only be the version consistent with the 2021-2022 State Budget;
- (c) all estimates relating to projects included in the State Infrastructure Plan, Rebuilding NSW, Restart NSW, State Infrastructure Strategy, Metropolitan Strategy and the State Plan;
- (d) any document showing economic and other assumptions underpinning the estimates for the financial years 2021-2022 to 2024-2025 inclusive;
- (e) any document identifying or qualifying risks and contingent liabilities that might impact the financial years 2020-2021 (revised) to 2023-2024 inclusive;
- (f) any document that relates to the State's future financial position as revealed in the estimates;
- (g) any documents pertaining to 2020-2021 actual budget performance not requested elsewhere in this order;
- (h) all documents pertaining to revenue estimates 2021-2022 to 2024-2025 inclusive; and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Motion agreed to.****STATE BUDGET****Production of Documents: Order**

**The Hon. DANIEL MOOKHEY (10:05):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding the Budget Estimates and related papers for the financial year 2021-22, in electronic format if possible, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, Treasury or the Department of Premier and Cabinet relating to the 2021-22 budget:

- (a) all advice, correspondence, briefing papers and documents provided by New South Wales government departments, agencies and public trading enterprise sectors to the Treasurer, Treasury or the Department of Premier and Cabinet relating to the 2021-22 budget, including but not limited to:
  - (i) any documents that assess the impact of any of the measures outlined in the budget; and
  - (ii) any models or documents that estimate the revenues to be raised as a result of the measures outlined in the budget.
- (b) all advice, correspondence, briefing papers, budget kits and budget electorate reports provided to any members of Parliament relating to the 2021-22 budget handed down on 22 June 2021;
- (c) any documents, excepting any budget papers tabled in Parliament, provided to individual members of Parliament outlining regional electorate capital works summaries, by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury;
- (d) any documents, excepting any budget papers tabled in Parliament, which refer to capital expenses by electorate, by agency, funded by appropriations from Parliament as well as funds from asset sales and other sources, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury;
- (e) any other documents, excepting any budget papers tabled in Parliament, which refer to capital and recurrent expenses by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Motion agreed to.**

**DAM INFRASTRUCTURE****Production of Documents: Further Order**

**Ms CATE FAEHRMANN (10:06):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 18 February 2021 in the possession, custody or control of the Minister for Water, Property and Housing, Department of Planning, Industry and Environment, the Treasurer, Treasury or WaterNSW relating to dam infrastructure projects:

- (a) all documents, correspondence and advice relating to the Menindee Lakes project, the Wyangala Dam wall raising project, the Mole River Dam project, the Dungowan Dam project, and the Macquarie River re-regulating storage project, including:
  - (i) all draft business cases;
  - (ii) all final business cases;
  - (iii) all feasibility studies;
  - (iv) all hydrological modelling reports;
  - (v) all modelling assessment reports;
  - (vi) all scoping studies;
  - (vii) all consultation with traditional owners;
  - (viii) all capital investment, economic, socio-economic or environmental impact reports;
  - (ix) all capital works summaries;
  - (x) any tender document or contract with WaterSecure; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Motion agreed to.**

*Motions***RATION CHALLENGE**

**Mr DAVID SHOEBRIDGE (10:08):** I move:

- (1) That this House notes that:
  - (a) since 2014 the Ration Challenge has built empathy for and supported the plight of Syrian refugees living in Camp Jordan;
  - (b) the Ration Challenge allows people to stand in solidarity with refugees in Syria as well as provide them with food, medicine and support in order to help rebuild their lives;
  - (c) people around the world undertake the challenge every June by surviving for a week on the rations of Syrian refugees which consist of small amounts of rice, lentils, chickpeas, beans, fish or tofu, and oil; and
  - (d) this year the challenge in Australia has raised \$898,739 so far, which is enough to feed 3,099 refugees for a year.
- (2) That this House commends all participants in the Ration Challenge and the generous donors who support them.

**Motion agreed to.**

*Committees***SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES****Membership**

**The Hon. DON HARWIN:** I move:

That the Hon. Natalie Ward be discharged from the Select Committee on the Coronial Jurisdiction in New South Wales and the Hon. Catherine Cusack be appointed as a member of the committee.

**Motion agreed to.**

*Budget***BUDGET ESTIMATES AND RELATED PAPERS 2021-22****BUDGET ESTIMATES 2021 TIMETABLE**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:09):** I move:

- (1) That the Budget Estimates and related papers for the financial year 2021-2022 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
- (2) That, further to the resolution of the House of 11 November 2020 adopting the 2021 sitting calendar, the 2021-2022 initial budget estimates hearings be scheduled as follows:

**Day One: Monday 16 August 2021**

PC 5 Counter Terrorism and Corrections  
PC 7 Planning and Public Spaces

**Day Two: Tuesday 17 August 2021**

PC 2 Health and Medical Research  
PC 1 Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts

**Day Three: Wednesday 18 August 2021**

PC 3 Education and Early Childhood Learning  
PC 4 Agriculture and Western New South Wales  
PC 1 The Legislature

**Day Four: Thursday 19 August 2021**

PC 7 Local Government  
PC 2 Mental Health, Regional Youth and Women

**Day Five: Friday 20 August 2021**

PC 1 Treasury  
PC 6 Customer Service and Digital

**Day Six: Monday 23 August 2021**

PC 7 Energy and Environment  
PC 5 Attorney General and Prevention of Domestic and Sexual Violence

**Day Seven: Tuesday 24 August 2021**

PC 1 Jobs, Investment, Tourism and Western Sydney  
PC 6 Regional Transport and Roads

**Day Eight: Wednesday 25 August 2021**

PC 3 Skills and Tertiary Education  
PC 5 Sport, Multiculturalism, Seniors and Veterans

**Day Nine: Thursday 26 August 2021**

PC 6 Transport and Roads  
PC 1 Premier

**Day Ten: Friday 27 August 2021**

PC 4 Water, Property and Housing  
PC 5 Families, Communities and Disability Services

**Day Eleven: Monday 30 August 2021**

PC 6 Better Regulation and Innovation  
PC 4 Regional New South Wales, Industry and Trade

**Day Twelve: Tuesday 31 August 2021**

PC 5 Police and Emergency Services  
PC 1 Finance and Small Business

- (3) That for the purposes of the budget estimates inquiry 2021-2022:
- (a) for each scheduled day of the initial and further rounds of hearings:
- (i) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 a.m. to 12.30 p.m., and from 2.00 p. m. to 5.45 p.m., with an additional 15 minutes reserved for government questions for each of the morning and afternoon sessions; and
- (ii) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 a.m. until 12.30 p.m.

- (b) the committees must hear evidence in public;
  - (c) the committees may ask for explanations from Ministers, Parliamentary Secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure;
  - (d) witnesses, including Ministers, may not make an opening statement before the committee commences questions;
  - (e) members may lodge supplementary questions with the committee clerk by 5.00 p.m. within two business days following a hearing; and
  - (f) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members.
- (4) That the committees present a final report to the House by 30 June 2022.

**Motion agreed to.**

*Members*

**PARLIAMENTARY SECRETARIES**

**The Hon. SARAH MITCHELL:** I inform the House that on 22 June 2021 the following changes were made to the appointments of Parliamentary Secretaries:

Ms (Steph) Stephanie Anne Cooke, MP, ceases to be Parliamentary Secretary to the Deputy Premier and is appointed as Parliamentary Secretary for Regional Health

Mr (Geoff) Geoffrey Keith Provest, MP, ceases to be Parliamentary Secretary for Tourism and Major Events and is appointed as Parliamentary Secretary for Regional Tourism and Hospitality

Mr Stephen Bruce Bromhead, MP, ceases to be Parliamentary Secretary for Regional Transport and is appointed as Parliamentary Secretary for Regional Housing

Mr Christopher Gulaptis, MP, ceases to be Parliamentary Secretary for Regional Roads and Infrastructure and is appointed as Parliamentary Secretary for Agriculture and Forestry

The Hon. (Sam) Samuel Faraway, MLC, is appointed as Parliamentary Secretary to the Deputy Premier and for Water Infrastructure

*Business of the House*

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

**The Hon. SHAYNE MALLARD:** I move:

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. SHAYNE MALLARD (10:19):** I move:

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

- (1) Private members' business item No. 1257 standing in the name of the Hon. John Graham relating to an order for papers regarding the mobile speed camera program.
- (2) Private members' business item No. 1281 standing in the name of the Hon. Walt Secord relating to an order for papers regarding hospital developments.
- (3) Private members' business item No. 1267 standing in the name of Ms Cate Faehrmann relating to a select committee on floodplain harvesting.
- (4) Private members' business item No. 1286 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding workforce planning for public schools.
- (5) Private members' business item No. 1140 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding firearms inspections and licensing.
- (6) Private members' business item No. 1275 standing in the name of the Hon. Mark Latham relating to *Dark Emu* by Bruce Pascoe.
- (7) Private members' business item No. 1271 standing in the name of the Hon. Mick Veitch relating to a further order for papers regarding Monaro Farming Systems.
- (8) Private members' business item No. 1280 standing in the name of the Hon. Ben Franklin relating to NSW Community Sports Awards.
- (9) Private members' business item No. 1265 standing in the name of the Hon. Daniel Mookhey relating to a reference to the Public Accountability Committee.
- (10) Private members' business item No. 1194 standing in the name of the Hon. Mark Pearson relating to animal sentence.

- (11) Private members' business item No. 1263 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the report entitled *Building on Strong Foundations: A review of State-Owned Corporations*.
- (12) Private members' business item No. 1260 standing in the name of the Hon. Lou Amato relating to NSW Rural Fire Service awards.
- (13) Private members' business item No. 1292 standing in the name of Mr David Shoebridge relating to an order for papers regarding the Australian Clay Target Association.
- (14) Private members' business item No. 1272 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding the courses offered by TAFE NSW.
- (15) Private members' business item No. 1258 standing in the name of the Hon. John Graham relating to an order for papers regarding transport and roads infrastructure.
- (16) Private members' business item No. 1288 standing in the name of Mr Justin Field relating to an order for papers regarding Private Native Forestry Plans.
- (17) Private members' business item No. 1282 standing in the name of the Hon. Emma Hurst relating to an order for papers regarding exhibited animals.
- (18) Private members' business item No. 1217 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the intersection of Calala Lane and Campbell Road.
- (19) Private members' business item No. 1284 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the oversight of residential buildings.
- (20) Private members' business item No. 1287 standing in the name of the Hon. Courtney Houssos relating to a further order for papers regarding School Infrastructure NSW projects.
- (21) Private members' business item No. 1273 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding the mice plague in New South Wales.
- (22) Private members' business item No. 1274 standing in the name of the Hon. Mark Latham relating to a reference to the Public Works Committee.
- (23) Private members' business item No. 1276 standing in the name of the Hon. Sam Faraway relating to 150 years + 1 of Forbes Shire Council.
- (24) Private members' business item No. 1264 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the redevelopment of the Sydney Fish Markets.
- (25) Private members' business item No. 1277 standing in the name of the Hon. Peter Primrose relating to jobs created by the COVID-19 Recovery Plan.
- (26) Private members' business item No. 1248 standing in the name of Mr David Shoebridge relating to native forest logging.
- (27) Private members' business item No. 1285 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the real estate licence of Mr Daryl Maguire.
- (28) Private members' business item No. 1283 standing in the name of the Hon. Shayne Mallard relating to the Local Government Professionals Australia Awards Dinner.
- (29) Private members' business item No. 1268 standing in the name of Ms Cate Faehrmann relating to healthcare workers across New South Wales.

In good news for the House, I indicate that each member with carriage of a motion has given an undertaking that their private members' business item will be considered in the short form format.

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

**Motion agreed to.**

#### *Documents*

### **MOBILE SPEED CAMERAS**

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

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

That private members' business item No. 1257 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (10:23):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Customer Service, Treasury, Transport for NSW, or the Minister for Transport and Roads relating to changes to the Government's mobile speed camera program from 1 January 2020:

- (a) all documents, including briefings, correspondence and departmental information related to the removal of warning signs, the removal of the livery from vehicles and the proposed tripling of hours of operation of the cameras;

- (b) all documents showing projections of the number of demerit points or licences that might be lost as a result of the changes;
- (c) a record of the total number of drivers who have lost their licences following the changes;
- (d) a record of the total number of drivers who have lost demerit points as a result of changes; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Although over the past fortnight there has been an extensive rollout of announcements relating to this year's budget, this motion relates to an issue that arose not from the current budget but following the presentation of the previous budget and it was little remarked upon. In the week before the budget there was a casual announcement by the Minister for Transport and Roads about one change to the way speeding fines would be dealt with in New South Wales, and it sat alongside another far more significant road safety announcement. The latter announcement was an really an asterisk to the announcement, or at the tail end of the announcement and the press conference. However, it has gone on to have an amazing and significant financial impact on the State's budget and on drivers right across New South Wales.

I refer to the three changes that have been made to the way speeding fines are dealt with in New South Wales: The warning signs are gone; the livery that made vehicles clearly identifiable has largely gone from the majority of the vehicles; and a third change, which is yet to happen, is that later this year the number of hours of mobile speed camera enforcement in the State will triple from 7,000 hours per month to 21,000 hours per month. The latter change in particular has been the ask of every Treasury to every roads agency over the years, as well as every Treasurer to every roads Minister, but this is the first time it has been agreed to. It is no surprise that that announcement was made in budget week of 2020. It was a budget week announcement that was slipped in before the budget because in the end this change was far more about the revenue than it was about safety changes.

This is not a debate about whether people should slow down on the roads; it is a debate about how best to do that. Is it best to do that with warning signs and high-visibility policing at the time—in real time, as people are on the roads—or is it better to get a fine in the mail two weeks later? Anyone who has opened their mailbox recently will know that the fine could arrive up to six weeks later. This is a debate about the best way to have drivers slow down on our roads. The figures are eye-watering. Previously there were 1,500 to 2,000 fines issued by Revenue NSW through the mail. Now 33,000 in a single month have been received by New South Wales drivers and that figure is yet to triple. Once the hours kick in, that figure will triple and the vast majority of the drivers are going less than 10 kilometres an hour over the speed limit. They should slow down. There is no argument from the Opposition about that, but the vast majority of the drivers—27,000 in a month—are driving slightly over the speed limit. They will receive a hit in the mail.

Real concern has been highlighted by members of Parliament on both sides of the aisle, particularly for drivers in regional towns who lose points, lose their licence and maybe lose their job. Those who live in regional towns cannot catch the CBD light rail to work. The argument is about warning signs and high-visibility policing versus a fine in the mail. The Opposition is calling for this information to analyse how many people have lost demerit points and how many people have lost their driver licences. Transport for NSW has been asked for this information and simply will not present it to Parliament. That is why the Opposition is calling for papers under Standing Order 52. I see that the Leader of the House looks upset.

**The Hon. Damien Tudehope:** I am not upset.

**The Hon. JOHN GRAHAM:** He will make his own contribution. I draw his attention to the way this Government got elected: The Coalition opposed speed cameras. They did not call for warning signs; they opposed speed cameras and called them bounty hunters. That was the position adopted by the then Opposition, which subsequently became the Government. They were then not talking about the warning signs. They referred to the speed cameras as bounty hunters. That was the position of the Government represented by the Leader of the House when it was the Opposition. The Opposition supports speed cameras but contends that a more effective way to curb speeding is by having warning signs and police on the roads. The Opposition will not accept from the Leader of the House any position that criticises the Opposition's view until he confronts what his team did when they came to power.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:29):** This is an astonishing order for the production of papers, and the rhetoric that stands behind it is part of a Labor Party strategy to try to paint a position directed primarily at road safety as revenue raising. The Government's strategy is about culture change, and they know it, the number of people who speed on our roads and the number of people who die on our roads. The Opposition's order for the production of papers says to the families of people who lose their loved ones that the Government's policy is about revenue raising.

The Government's strategy is about trying to send a message that losing a loved one is never acceptable. Whatever strategy we adopt to make sure that more people stay alive on our roads is a strategy that the Opposition ought to adopt and get behind. For every family that loses a loved one, someone who does not come for Christmas next year, that is a strategy which the Government supports. For members opposite to come into the House and say they do not want to support strategies predicated on research papers provided by Monash University, which say these are the strategies necessary to make sure that loved ones stay alive on our roads, is a disgrace to them because they are effectively saying to those families that it does not matter if your loved ones do not turn up for Christmas next year.

But there is a secondary component of the Government's policy, which seems to elude those who want to politicise creating a safety strategy, and that is the medical costs associated with all those people who are injured in car accidents on roads every year that we all pay for. It should be a priority for every single person in this House to get those medical costs down and do whatever is necessary to make sure we get those costs down. We should do whatever we need to do to get the costs down of having to treat people in hospitals and people who have disabilities that last for a lifetime because of road safety issues and speeding on our roads. We should not ever lose sight of that. They have lost sight of it because they want to politicise an issue for rank political advantage. The Government is concentrated on making sure that less people are injured and less people are dying on our roads.

Let us also not lose sight of the fact that every cent raised through road safety measures by way of fines is hypothecated for road safety measures. Members opposite know that. They should be getting on board and saying that this is a policy about culture change: We want to make sure that people obey the law and not assist those who want to disobey the law, creating circumstances where people die and are injured on New South Wales roads.

**The Hon. WALT SECORD (10:32):** I support the motion moved by the Hon. John Graham. A number of years ago I served as shadow Minister for Roads for less than a year. Everyone in this Chamber would agree that we all want motorists to slow down on our roads. The best way to do that is appropriate signage. It is about changing behaviour. When I was shadow roads Minister we had figures showing cameras generating more than \$1 million a year. Speed cameras in this State have become a de facto taxation measure. If the Government were true and honest about changing behaviour, it would put up appropriate signage.

**The Hon. Damien Tudehope:** Where is the research that supports that?

**The Hon. WALT SECORD:** There was research. When I was chief of staff in government, there was research. The signage was originally raised by Labor backbenchers who said that the best way to change behaviour is to put up signage, and people slowed down. Sadly, this has become a de facto taxation measure. We need to have the information asked for in the order for papers so that we can respond properly. If the Government were genuine, it would put up signage. I lived in the eastern suburbs. At Rose Bay there was a well-known speed camera and there was signage. From the top of the hill, one could see all of the brake lights on the backs of cars turning on in unison in response to the speed camera. It changes behaviour. I remember vividly in 2009 and 2010 when Duncan Gay, who was Deputy Leader of the Opposition, travelled around the State and said that he would fight speed cameras. He labelled them revenue raising exercises.

**The Hon. MARK BUTTIGIEG (10:35):** I make a contribution because it is an issue that I am very concerned about and it needs scrutiny from the public. As my colleague pointed out, this is not about compromising road safety; it is a debate about whether the signage surrounding those high-risk areas actually inculcates a culture of slowing down or whether removing the signage will have the same or a greater effect and at what cost. The motion asked for all documents, including briefings, correspondence and departmental information related to the removal of warning signs, the removal of livery from vehicles and the proposed tripling of hours of operation of the cameras. Then it goes on to request statistics about the projections of demerit points and licences that might be lost.

The public has a right to know on what objective basis the Government is removing signage and taking away warnings. If a person is driving along the road and seeing signage everywhere, there is an atmosphere created in their psychology that they would slow down because the signs are there. Would it not be better if drivers on New South Wales roads were aware of where the cameras are and slowed down accordingly, and we changed behaviour that way without people unnecessarily losing their licences and perhaps their livelihood because they cannot drive? The amount of extra money being raised and whether it is worth the change are serious matters. If the research and the statistics show that it is actually going to drive that behaviour, then perhaps the Opposition could accept it.

The House should remember what the motion is about. It is a call for papers about information. It is informing a debate. The Minister is trying to shut down the debate before it even starts. He will not even give us the papers. The Government does not even want to reveal the statistics this judgement is being made on. It is more

than reasonable that the House asks for those things on behalf of New South Wales residents. The Government might not believe it now, but as my colleague pointed out, members opposite did believe it previously when they wanted speed cameras gone altogether. This is a massive issue for working people in New South Wales. It is a cost-of-living issue and we need to make an objective judgement on whether it is going to work or not. We need the statistics to make that judgement and have an informed debate. The Government should support the motion. The order for the production of documents is reasonable.

**The Hon. JOHN GRAHAM (10:38):** In reply: I might have got carried away in putting the case for the motion. I did not mean to wind up the Leader of the House. The Opposition is happy to look at the evidence on this and sift through it. My colleague is correct when he says that we want some of this data so we can do that. I get upset when the Government says the Opposition is not prepared to talk about road safety. We do not oppose the cameras. We are not doing what the Government did previously in opposition and oppose the cameras, call them bounty hunters and argue that it should not be fixed. The Opposition is taking a pretty moderate position. We are asking legitimate questions about the best way to do this. We are for cops on the highways. We are for letting drivers know as they are driving that they need to slow down. That is why I put the debate in strong terms. We are taking a far more moderate line than those on the other side did when they were in opposition. I am comfortable with our approach as a result. I put that on the record.

We accept that the Community Road Safety Fund is an important point. We accept fine revenue goes into road safety. That is a good thing. We do not know whether the Government will continue to top up that community road safety funding at the rate it has. The Government will not commit to it and has refused to say. In the past, 50 per cent of the money has come from camera fines and 50 per cent has come from consolidated revenue. As fines go through the roof, there is no guarantee that the Government will not use that to cut the consolidated revenue top-up. Under budget estimates questioning, the officials refused to guarantee that. In fact, they were at pains to say they had no commitment from Treasury and no commitment from the finance department. They were careful to put that on the record because they did not want to mislead the Parliament about what was committed.

There is no guarantee from this Government that the top-up will continue, and it should. We have called on the Government to clarify that and it has not done so. We accept fine road revenue goes into road safety. Where is the top-up? There are no guarantees that this will not be used to cut the money that goes into road safety elsewhere. That might go to high visibility policing or it might go to fixing some of the country roads that we know are dangerous. If it is serious about it, the Government should make that guarantee and should continue to do what it has done in the past. It should make the community road safety funding more transparent. As the money increases and the fines increase, the whole area needs more transparency. That is what we are calling for. The resolution today is about getting that evidence on the table and calling for transparency.

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

**Motion agreed to.**

## HOSPITAL INFRASTRUCTURE

### Production of Documents: Order

**The Hon. WALT SECORD:** I move:

That private members' business item No. 1281 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WALT SECORD (10:42):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2014 in the possession, custody or control of the Minister for Health and Medical Research, Minister for Planning and Public Spaces, Ministry of Health, Health Infrastructure, Treasurer and Treasury relating to hospital developments:

- (a) all documents relating to the planning, site selection, development, funding of, and expenditure on, the Rouse Hill Hospital;
- (b) all documents relating to the planning, site selection, development, funding of, and expenditure on, the Shoalhaven District Memorial Hospital redevelopment; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

As Labor's representative for health in the Legislative Council, I urge honourable members to support the motion Standing Order 52 request in relation to Rouse Hill Hospital in Sydney's north-west and Shoalhaven hospital on the State's South Coast. Members are aware that I rarely move motions under Standing Order 52. I try to obtain documents under the Government Information (Public Access) Act or through negotiation with the various Ministers. It is rare that I move an order for the production of documents. These two hospitals are under enormous



pressure. They have some of the longest waits in emergency departments and some of the longest waits for elective surgery. Currently, patients in the regions of the two promised hospitals have to travel great distances to get treatment.

This call for papers will educate and enlighten the community, the Opposition, patients and doctors about the Berejiklian Government's plans for the two hospitals. There is much community debate about them. The Berejiklian Government has promised \$430 million for Shoalhaven hospital. There is significant debate in the community over the actual site; they are deeply divided. Some community members believe the hospital as it stands should be updated at the current site. Others believe the site is deeply constrained, does not take into account future needs and cannot go anywhere but up. Others believe the best approach for health in the Shoalhaven region is to build on a greenfield site. Independent member Mr Justin Field has been active in the community. He has expressed to me similar views that they are deeply divided and would like this information to inform their decision. Disgraced local MP Gareth Ward claimed, "It would be a major—"

**The Hon. Shayne Mallard:** Point of order—

**The Hon. WALT SECORD:** He is disgraced.

**The Hon. Shayne Mallard:** The Hon. Walt Secord is clearly casting an appalling aspersion on the member for Kiama, who has been dealing with those issues and has indicated his innocence. He deserves that respect. If the Hon. Walt Secord wants to do this he should do it through a substantive motion, or he should withdraw the comment.

**The Hon. WALT SECORD:** To suit the House, I withdraw my reference to the disgraced member. The member for Kiama claimed that it would be "a major world-class upgrade", but the community thinks otherwise. The South Coast has some of the longest waits in emergency departments and some of the longest waits for knee and hip replacements in the State. A call for papers will give us a true picture of the needs of the hospital in the Shoalhaven and tell us if the site is too small and constrained or if a greenfield site is better. When planning a hospital, it is better to have the information so you can plan for and provide what is needed in the community. The Berejiklian Government also promised residents in Sydney's north-west a hospital in 2015 and 2019. Initially they were told that it would be a \$600-million hospital, but then that promise was halved to \$300 million. That community also has a right to know what is going to happen.

Like the south-west, the north-west is under enormous pressure. Patients have to travel significant distances for treatment, which puts additional pressure on Blacktown and Mount Druitt Hospital and Westmead Hospital. We want to know what the decision is based on and what information the Government is operating on so the community will know if they are getting a hospital that is appropriate. There is no point in building a hospital that is too small, does not meet the community's growing needs and is not properly staffed. I urge honourable members to support the motion. The Government promised \$430 million for Shoalhaven hospital. The community is deeply divided. Some think it should be on a greenfield site and others think it should be upgraded on its site, but everyone agrees that the current information is not available and that the community has a right to know. I urge honourable members to support the call for papers.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:47):** The Hon. Walt Secord highlighted the anxiety of local members of the community in relation to this issue. I anticipate that Mr Justin Field will have something to say about it because he is intimately involved with it. I make the following observations. The development of any project like this involves a significant amount of commercially sensitive material to ensure that the taxpayers of New South Wales get the best available value for their dollar. The development of a project like this involves consideration of lots of material that is available to the Government to assist it in making a decision. Along those lines, orders for papers are potentially used for the purpose of obtaining a particular political advantage because they involve correspondence obtained to assess the commercial sensitivities of making the right choice. Departmental people who make observations that never see the light of day regarding the actual decision are seized upon by those who want to obtain a political advantage and say, "Aha! Look what the Government is doing."

The nature of delivering projects like this is respecting the commercial process to make sure that we get the right commercial decision and the right outcome for the community and that we take into account all the available information without politicising the issue. Further, I make the observation that the member who has drafted the motion seeks all documentation since 2014. He is someone who has worked in a Minister's office. The amount of man hours that are necessary to deliver documentation on the two projects dating back to 2014 really is outside the scope of reasonableness. I invite the member to consider that, as I anticipate applications for extension and the like. I predicate those applications on two points: The motion is unreasonable and it seeks to deal with commercially sensitive in-confidence documents.

**Mr JUSTIN FIELD (10:50):** I thank the Hon. Walt Secord and the Labor Opposition for bringing this important motion to try to bring about transparency. My focus is very much on the redevelopment proposal for the Shoalhaven District Memorial Hospital but I appreciate that it is a concern that goes across a number of hospital redevelopment proposals by the Government. Picking up on the Minister's response about the politicisation of the issues, it is this Government that politicised the issue of the Shoalhaven hospital redevelopment because it announced the redevelopment right in the shadow of the 2019 election, before any community consultation had occurred and before there was any plan for the development. If there is \$430 million to spend on health and hospital services in the Shoalhaven, let us make sure it is spent to get the best outcome for the entire community. The Tweed is getting a brand-new hospital for not much more than that amount in half the time.

The Shellharbour Hospital was going to be a redevelopment but after some political opposition and campaigning from the Labor Opposition—which we are seeing a bit of here today in relation to the Shoalhaven site, which I welcome—the Government ultimately recognised that it was in the interests of that community for a new hospital to be built on a more suitable site. That is ultimately the question here today. There is no doubt about the need for additional hospital services in the Shoalhaven. It is a health desert south of Nowra, particularly the southern Shoalhaven where very limited health and hospital services are available. Just a few weeks ago I raised in this House the multiple incidents of babies being born on the side of the road as people try to make it to either the Shoalhaven or Moruya hospitals to birth. The hospital services in the Shoalhaven are totally inadequate for a growing population. That is the point.

I note that the Government has said that construction is due to start in 2023. We have not seen a clinical services plan. We do not know what additional services will be provided at the new hospital. The concern of the community is that there is not the space at the site to build a hospital that could provide for the level of expansion of the community in the next decade, let alone in the next 20 or 30 years, and there are no services south of Nowra. It is the worst possible site to build a regional hospital. All of the major hospital services in the Illawarra health district are in the northern part of the electorate and the south is missing out. Relocating that hospital, a greenfield site, just 10, 15, 20 kilometres south would provide a much bigger bang for the buck for the entire Shoalhaven region and would avoid the five to eight years of construction disruption that would occur at the hospital, which hospital administrators say would have huge impacts. I support the motion. [*Time expired.*]

**The Hon. WALT SECORD (10:53):** In reply: I thank the Minister and Mr Justin Field for their contributions. I acknowledge that Mr Justin Field has worked hard in this area and that he is listening to the community. He has conveyed to me the views and concern of the community on the lack of transparency and lack of information. I respond to the Minister's claim about commercially sensitive material. As I said earlier, it is very rare for me to move an order for papers under Standing Order 52. In 2014 I moved an order for papers under Standing Order 52 relating to Maitland Hospital. As part of that, Labor agreed that commercially sensitive in-confidence material would be redacted and/or made available to members only and gave commitments that we would not place those materials into the public arena. Labor honoured those commitments and we make similar commitments today. We recognise there will be commercially sensitive material, but the community has a right to know what services are being promised and if those services are appropriate.

There is a dearth of maternity services on the South Coast and residents who live on the South Coast, particularly elderly residents, have some of the longest waits in the State for knee and hip replacements. It is called elective surgery, but to an elderly person who cannot walk it is urgent surgery. They do not want to be forced to drive to Canberra or to Sydney for those treatments. Those residents should be able to expect to get knee and hip replacements or maternity services in their community. We know that the South Coast is a health desert where people have to travel great distances for services. We know also from the rural health inquiry, being chaired by the Hon. Greg Donnelly, that this is happening across the State and that patients outside of Sydney, Wollongong and Newcastle face wait times and a lack of services that would not be tolerated in Sydney.

Again, please provide the information so that the community on the South Coast can know if they are getting what is needed, if there is a need for a greenfield site, if the site is too constrained or if the site can be upgraded. I urge honourable members to support the order for papers under Standing Order 52.

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

**Motion agreed to.**

*Committees***SELECT COMMITTEE ON FLOODPLAIN HARVESTING****Establishment and Membership**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1267 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (10:57):** I seek leave to amend private members' business item no. 1267 outside the order of precedence for today of which I have given notice by omitting in paragraph (2) (c) "Mr Justin Field".

**Leave granted.**

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

- (1) That a select committee be established to inquire into and report on the Government's management of floodplain harvesting, including:
  - (a) the legality of floodplain harvesting practices;
  - (b) the water regulations published on 30 April 2021;
  - (c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray-Darling Basin Plan; and
  - (d) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of nine members comprising:
  - (a) three Government members, being nominated by the Leader of the Government;
  - (b) three Opposition members, being nominated by the Leader of the Opposition; and
  - (c) three crossbench members, being Ms Cate Faehrmann and the Hon. Mark Banasiak.
- (3) That the chair of the committee be Ms Cate Faehrmann and the Deputy Chair the Hon. Mark Banasiak.
- (4) That, notwithstanding anything to the contrary in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.
- (5) That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each;
  - (d) transcripts of evidence taken at public hearings are to be published;
  - (e) supplementary questions are to be lodged with the committee clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
  - (f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
- (6) That the committee report by 30 November 2021.

The Legislative Council has now rejected three times The Nationals' attempts to legalise or regulate floodplain harvesting. In September 2020 the exemptions for floodplain harvesting regulation were disallowed. Two months later, the water Minister's attempted rescission motion was then voted down by this House. In April this year regulations that would have legalised floodplain harvesting and seen floodplain harvesting entitlements and licences handed out to irrigators across New South Wales were gazetted. Those regulations would have legitimised and made permanent a form of water take that has never been licensed or measured, has never been accounted for under the cap and has been depriving communities, farmers and Aboriginal nations of water along the Darling-Baaka River and Menindee Lakes. They also would have tied the hands of any future water Minister who would have attempted to reduce floodplain harvesting entitlements, with those entitlements being compensable to the tune of hundreds of millions of dollars or potentially more.

Thankfully, less than a week later those regulations were disallowed by members in this place. Those regulations failed because the water Minister had not addressed the concerns of the communities, farmers and First Nations people along the Darling-Baaka River, who have seen firsthand the consequences of massive volumes of water that are legitimately captured by irrigators in the Northern Basin. As far as I am aware, the Minister has made no substantive efforts to address the genuine and very serious concerns of downstream communities or water scientists, or the concerns of the Opposition and crossbench. This inquiry is essential because it will provide a forum for the community to air many of those unresolved questions and concerns that continue to surround this contentious form of take. As we all know, there is a great amount of distrust around the process that the Government has undertaken in attempting to license and regulate floodplain harvesting. We also know that ICAC found that the Minister and her department were unfairly favouring particular irrigator groups and making decisions inconsistent with the objects of the Water Management Act.

There is great uncertainty too around the modelling being used to determine the levels of floodplain harvesting within the Murray-Darling Basin Cap on Surface Water Diversions. There is also great contention over the legality of floodplain harvesting itself—something that this inquiry will address directly. In June 2020 the water Minister told members in the other place that floodplain harvesting was completely legal. The Crown Solicitor's advice provided to the NSW Department of Planning, Industry and Environment in October 2020 and made public in May 2021 suggests that the practice was most likely illegal. The advice reads:

On balance and while not without doubt, we think the better view is that generally the taking of water in the course of floodplain harvesting without an access licence from an unregulated river or water source that is covered by a water sharing plan would constitute an offence.

The Minister for Water, Property and Housing tabled separate Crown Solicitor's advice in November 2020 which did not directly address the legality of floodplain harvesting but was used to garner support for her rescission motion. The fact that the Minister held back the full Crown Solicitor's advice, which was uncovered with a call for papers after repeated requests for it to be provided through not one but two floodplain harvesting debates, further underpins the need for this inquiry. If floodplain harvesting is illegal then the Government's attempts to legalise and license a currently illegal practice would have caused a massive transfer of public to private wealth, along with the granting of compensable entitlements.

It is expected that the committee will make recommendations to the Government as to the way in which floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray-Darling Basin Plan. The calls for this inquiry have broad support amongst the communities of the lower Darling, who have been so adversely affected by floodplain harvesting, including Uncle Badger Bates of the Barkandji people, the Dharriwaa Elders Group and the Darling River Action Group. We need to get all the facts on the table and provide certainty to the community and to members in this place before we can move forward on this contentious issue. It is my hope that this inquiry will go some way towards achieving that. I commend the motion to the House.

**The Hon. MARK BANASIAK (11:02):** The Shooters, Fishers and Farmers Party supports this inquiry. We have had representations from both the northern and southern irrigators saying that they want this inquiry. They want to be able to put their views on the table. During the last disallowance debate there was a common theme coming out, which was that to move forward on this issue perhaps a cross-section of the upper House needs to have a sit-down with the Minister to try to resolve this in a way that is amenable to everybody. I think perhaps this inquiry might be the closest we are going to get to that, given that the Minister has shown a reluctance to engage with the Opposition and also to engage meaningfully with us. This may be the closest we get.

We have heard that since the disallowance motion the Minister and the department have been quite heavily handed in how they are dealing now with some of the northern irrigators, essentially going on an escapade of robbing Peter to pay Paul by targeting supplementary licence holders, a reduction of 50 per cent—

*[A Government member interjected.]*

Mr President, there is a bit of feedback coming from the back there from some clown. I draw attention to one of the terms of reference which is about metering. I think that is key here. If we want to license something, it needs to be measured and metered, so let us look at how we do that effectively. If we can measure it, we can meter it and then we can license it. That is what both the north and the south want. They want a path forward to licensing. Without this inquiry, without putting everything on the table, I do not think we will get that path forward.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The Hon. Wes Fang should not think he is hiding from me behind the pylon. I heard his interjections. His behaviour was unparliamentary. While I did not want to interrupt the Hon. Mark Banasiak's speech, the actions of the Hon. Wes Fang did not go unnoticed. I ask the Hon. Wes Fang to restrain himself.

**The Hon. SAM FARRAWAY (11:04):** The Government supports the inquiry on the basis that there will be the opportunity to reiterate some of the actual facts on floodplain harvesting and show how the Government has addressed some of the concerns raised around floodplain harvesting over the past 12 to 18 months. I will highlight some of the answers to the main questions posed by the terms of reference. The first is about the legality of floodplain harvesting. There is more than enough legal advice floating around which attests to that. The second is to see how floodplain harvesting policy as currently presented by the New South Wales Government meets the objectives of the Water Management Act 2000, the Murray-Darling Basin Plan and is compliant with the cap. As someone who was on the Regulation Committee that looked into this when it was disallowed and into the specific form of the regulation, I strongly suggest that all inquiry participants read some of the Government reports that have been tabled in previous committees and hearings, the Government explanations and the Government models, which actually explain what is happening with the licensing and metering of floodplain harvesting.

This policy has been discussed for the better part of probably more than 20 years now. It has been a long process and I think we are at a point where this Parliament and this House should finish it. The Government is happy to engage in a discussion based on facts but not on fantasies, and there are a lot of fantasies and conspiracy theories out there on floodplain harvesting. The most prominent is that by cancelling floodplain harvesting 721 gigalitres of water a year will suddenly enter Menindee, which could then be sent down to South Australia. That is nothing but a furphy; it is completely false. If floodplain harvesting was cancelled across New South Wales, an additional 28 gigalitres a year on average would enter Menindee Lakes. To further expand on this, if we cancelled floodplain harvesting there would be less than a 1 per cent increase in the Murray general security allocations. Quite simply, cancelling floodplain harvesting is not the magic pudding a number of people claim it to be.

I take this moment to reiterate that southern farmers are in fact floodplain harvesting. The definition of "overland flow" that was arrived at in 2014 means that the irrigation infrastructure organisations in southern New South Wales are at risk of prosecution if rainfall run-off is not exempted as the Government has committed to doing and has been clear on that subject. They have admitted to this in correspondence to a number of members, and I urge this House to take their public statements seriously. This inquiry gives the Legislative Council the opportunity to look into floodplain harvesting. I am confident that the Government has taken the right pathway on licensing and metering floodplain harvesting to ensure that it is compliant with the sustainable diversion limit, the cap and the Water Management Act. As such, the Government supports this inquiry and looks forward to again proving why its current policy is the right policy for licensing and metering of floodplain harvesting in New South Wales.

**The Hon. ROSE JACKSON (11:08):** Labor will support this motion and the inquiry into floodplain harvesting. I move:

That the question be amended as follows:

- (1) In paragraph (2) omit "nine members" and insert instead "eight members".
- (2) In paragraph (2) (c) omit "three crossbench members" and insert instead "two crossbench members".

That amendment merely reflects the amendment that Ms Cate Faehrmann moved to confirm that Mr Justin Field will not be a member of the committee. I did check that Mr Justin Field is fine with that. So if anyone reading *Hansard* feels as though there has been some kind of move against Mr Justin Field, they should know that he is agreeable to this amendment—which is good.

The points made by the Hon. Mark Banasiak about the Government are all true. This has been the subject of a lot of discussion over a long time. It is unfortunate that this inquiry is necessary. In a way, I wish it was not. I wish our resources and the time of this Parliament could be better used to resolve other issues. Despite all of the talking, there has been a real failure on the part of the Government to engage with the range of interested stakeholders. I am pleased that there has been an acknowledgement that the legality of floodplain harvesting is indeed highly contested but there has been very little assistance from the Government in terms of resolving that lack of clarity. The disallowance of the regulation was necessary. The status quo is unacceptable and there needs to be further engagement on how to proceed.

We share the disappointment, echoed by a number of previous members in this debate, that the Government has not properly engaged with local community groups across the Murray-Darling Basin, nor with the Opposition and crossbench. In fact, I contacted the Minister's office last week regarding this very motion to ask about the Government's views and where it was moving on it. It was an effort to reach across to ask whether dialogue could commence so that not only this motion but also the issue in general could come to a conclusion. The Minister's office did not even return my phone call. That is not a good place to start.

Obviously I am hopeful that this inquiry will provide a basis for more discussion and the airing of issues around not only the legality of floodplain harvesting but also the monitoring, the metering and the modelling,

which is also extremely contested and a difficult issue. All those issues will be given a full opportunity for discussion and engagement. I reiterate that it is the hope, the wish and the will of the Opposition that this inquiry provides an opportunity for proper engagement in order to resolve the issue. We do not want to be talking about this for another 20 years. Now that this committee is to get underway, the Government has to engage.

**Mr JUSTIN FIELD (11:11):** I think all members in this Chamber acknowledge that despite the fact that this area of policy has been in some form of agreement or development now for well over a decade—started by the former Labor Government and a policy advanced by this Government, with thousands of pages of documentation, model reports, assessments and analysis—as well as the heightened debate in this place over the last couple of years, there is still massive uncertainty and dispute over the modelling, the volumes, the legality, the cap compliance and the compliance with the Water Management Act 2000 in New South Wales. The concerns have been amplified by the report of the Matthews inquiry and last year's report by the ICAC. It is an absolute debacle. How have we got here? So much money and time has been spent trying to develop this area of policy and we are still disputing the basic facts of the matter.

I was shocked to read the draft regional water strategies that have been prepared recently—yet more thousands of pages of documentation released by this Government. They were supposed to be this Government's answer to what we do about climate change when it comes to water. In the past couple of decades we have seen a 30 per cent to 40 per cent decline in inflows into the Murray-Darling Basin, and that is only expected to get worse over the next 30 to 40 years, which this Government acknowledges. What are we talking about here? This type of take does not function in an environment where there is a 30 per cent, 40 per cent or 50 per cent reduction of inflows. We cannot simply extrapolate from the historical take and the Murray-Darling Basin Plan cap—a plan that did not take climate change into account—the amount of entitlements that should be issued to landholders and pretend that we can take that water out of the system without a catastrophic effect on the rivers.

What the Government has continually asked for—and has been denied by this House, which is a good thing—is a blank cheque to use those historical figures, which are highly questionable, and say, "There are your licences." What matters are the rules relating to when that water can be taken. It does not matter if there are a million licences; if we want to ensure that the needs of the downstream communities and the environment are met, then we must have a set of rules that we can work with. But the Government has not been able to put those rules on the table. The industry has not been prepared to sit down and put its options on the table. Environmentalists and downstream communities have done so. We need to bring them together and if this inquiry can help to do that, then that is a good thing.

I had the opportunity to sit through the Regulation Committee inquiry on water management last year. It was very informative. I hope we can get further to a point of agreement. I will be watching the outcomes closely. I trust that the members on the inquiry will ask the right questions. I say to the Government and the industry: Come to the table. The new shadow water Minister is right: We cannot be here debating this in 20 years' time. The rivers cannot afford it.

**Ms CATE FAEHRMANN (11:14):** In reply: I thank all members who spoke in debate on this motion and those who indicated support for the establishment of the select committee. I note that most members' contributions were around the many questions that remained unanswered in relation to floodplain harvesting, the legality and the modelling—there are so many issues. I reiterate that this committee is being established because of the requests that have come from a wide range of stakeholders but particularly those communities in the lower Darling-Baaka River, who are bearing the brunt of the floodplain harvesting mismanagement, if you like, over many years by successive governments. Hopefully this select committee will be established today. I thank all members for their contributions and look forward to an extremely interesting and valuable inquiry, should the motion pass.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved a motion, to which the Hon. Rose Jackson has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Documents***TEACHER RECRUITMENT****Production of Documents: Order**

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

That private members' business item No. 1286 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (11:16):** I seek leave to amend private members' business item No. 1286 outside the order of precedence for today of which I have given notice by omitting paragraphs (a) to (h) and inserting instead:

- (a) all reports and briefings relating to teacher supply projections;
- (b) all reports, briefings and memorandum relating to teacher supply of specialised teachers;
- (c) all reports, briefings, memorandum and correspondence relating to teacher supply of specialised teachers;
- (d) all reports, briefings, memorandum and correspondence relating to the Deloitte Touche Tohmatsu report on the long-term teacher supply strategy;
- (e) all reports, briefings, strategy documents and memorandum relating to the accelerated pathway program for high-performing professionals and subject matter experts;
- (f) a list of all teacher vacancies at today's date at New South Wales public schools including the declared vacant date, and a list of all teacher vacancies at New South Wales public schools including the declared vacant date on 23 June 2019;
- (g) a list of all teachers teaching out-of-area subjects retained by the Department of Education; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Leave granted.**

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

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education relating to workforce planning for public schools:

- (a) all reports and briefings relating to teacher supply projections;
- (b) all reports, briefings and memorandum relating to teacher supply of specialised teachers;
- (c) all reports, briefings, memorandum and correspondence relating to teacher supply of specialised teachers;
- (d) all reports, briefings, memorandum and correspondence relating to the Deloitte Touche Tohmatsu report on the long-term teacher supply strategy;
- (e) all reports, briefings, strategy documents and memorandum relating to the accelerated pathway program for high-performing professionals and subject matter experts;
- (f) a list of all teacher vacancies at today's date at New South Wales public schools including the declared vacant date, and a list of all teacher vacancies at New South Wales public schools including the declared vacant date on 23 June 2019;
- (g) a list of all teachers teaching out-of-area subjects retained by the Department of Education; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I have had extensive conversations with the Minister and her office in coming to this amended motion. We have obviously sought to balance the competing needs of not placing too onerous a requirement on the department but at the same time raising this important question of teacher shortages. Teacher shortages featured on the front page of *The Sydney Morning Herald* today. It reported that in May there were 1,148 teaching positions vacant in the public school system. The reason this is so important is that we hear frequently from the Government about how it is building new schools. We need to make sure that the recruitment of teachers is keeping up with this building program.

The reason it is so important is that we know that the biggest single determining factor in the success of a student is the quality of the teacher who is in the classroom. If, as we are told, teachers are regularly teaching outside the specialty area in which they are trained and there are not qualified teachers in the classroom, that will have a serious consequence on the standard of schools in New South Wales. I accept that this call for papers is a big ask of the department, but the Opposition has sought in a constructive way to reduce the scope. To clarify paragraph (g) of the motion, it seeks a list of all the teachers teaching in out-of-area subjects, as retained centrally by the Department of Education. The Opposition may come back to this issue in the future, but at this point all

we are seeking is the information that is retained centrally by the department. We do not expect the department to contact principals individually to ascertain what those levels are. With those brief remarks, I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:20):** I will speak very briefly on this call for papers. The Government will not be opposing it. However, I acknowledge, as the Hon. Courtney Houssos has, our conversations in relation to the original motion that has now been amended by leave. It is important to put on the record that the original motion would have amassed millions of documents, which is a lot, particularly when areas of the department are focusing on teacher supply. I want teachers to be focused on their jobs, which is filling those vacancies, not providing unnecessary documents.

I thank the Hon. Courtney Houssos for our negotiation in relation to this motion. As I said, it is still a large demand but hopefully a manageable one. I reiterate that paragraph (g) of the motion refers to the information that is centralised within the department and does not include approaching every individual school principal. That is important because schools should not have to bear the brunt, dare I say, of politics in the upper House; that is not what Standing Order 52 was designed to do. We want to make sure that staff in schools are focusing on their jobs. The Government is happy to support the amended motion. It still will be a very large return but we are happy to have reached some form of negotiation.

**The Hon. MARK BANASIAK (11:21):** I support the call for papers by the Hon. Courtney Houssos on teacher shortages. The Shooters, Fishers and Farmers Party has been raising this issue since the last election. The member for Murray, Helen Dalton, has been raising it specifically around the merged school in her electorate where classes have been repeatedly unsupervised and teachers have been teaching outside their subject areas, particularly in senior subjects, which is of deep concern for many. The member for Barwon, Roy Butler, has also raised concerns around several schools. I acknowledge that both he and I have met with the Minister. While the review into incentives is great, it is probably important to acknowledge that it is long overdue, given that teaching conditions have seen no meaningful improvement since 1940 for secondary schools and 1980 for primary schools. The member for Orange, Phil Donato, has also raised this matter. In fact, during a recent tour of the electorate of Orange we visited several schools, where I was offered jobs to return to teaching. That illustrates how in-demand teachers are.

This year Narrabri High School sent out a letter to parents detailing the issue of minimal supervision, which had been occurring for several years. The school's renowned mad night, which is a celebration of the community's performing art and visual art talent, had to be cancelled due to a lack of available teachers on the night. It is important to note that the involvement of teachers in extra-curricular activities is not part their legislated duties but occurs with the goodwill of teachers. I ask this House, the Minister and the department to reflect on the fact that not only are we possibly struggling to place teachers at schools, but also the goodwill of existing teachers who go above and beyond their duty and provide extra opportunities for our children is being severely diminished. That should be of equal concern to this House.

It is clearly important to get this matter right. Yesterday the Minister for Finance and Small Business boasted about 66 new schools to be built with funds in the new budget, but they are largely useless if we do not have qualified teachers to staff them. To highlight the importance of this matter, I take honourable members on a trip down memory lane to my first question in this place. The Government's election promise was to deliver 3,000 teachers. I have yet to see the change to the staffing codes that would see those presently imaginary 3,000 teachers actually have a job. People predicted teacher shortages when I was studying for my teaching degree.

**The Hon. Greg Donnelly:** When was that?

**The Hon. MARK BANASIAK:** Too long ago to recall the date. The Government cannot say it was not warned about teacher shortages and did not see it coming.

**The Hon. Shayne Mallard:** Chalk, no doubt.

**The Hon. MARK BANASIAK:** It was chalk, yes; Gestetner machines as well. All the Government can do is admit that the department has failed to take the necessary steps to address this matter. I look forward to seeing that confession in the documents that are presented.

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

**Motion agreed to.**

## FIREARMS LICENCES AND INSPECTIONS

### Production of Documents: Order

**The Hon. ROBERT BORSAK:** I move:



That private members' business No. 1140 outside the order of precedence be considered in short form format.

**Motion agreed to.**

**The Hon. ROBERT BORSAK (11:25):** I seek leave to amend private members' business item No. 1140 outside the order of precedence for today of which I have given notice by inserting after paragraph (c):

- (d) all documents relating to the 2021 policy change concerning the transfer of ownership of bequeathed firearms from deceased estates, including policy changes to all related fees; and

**Leave granted.**

**The Hon. ROBERT BORSAK:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of the Department of Communities and Justice, NSW Police Force, the Commissioner of Police or the Minister for Police and Emergency Services relating to firearm inspections and licensing:

- (a) all documents, including directives, instructions or orders, to Police Area Commands, Police Districts or the Firearms Registry relating to firearm safe storage inspections;
- (b) all documents, including directives, instructions or orders, to the Firearms Registry or NSW Police Force regarding limiting or limits on the number of firearms owned by firearm licence holders;
- (c) all documents relating to the Firearms Registry policy of treating revoked, expired or dismissed apprehended violence orders [AVOs] as active apprehended violence orders; and
- (d) all documents relating to the 2021 policy change concerning the transfer of ownership of bequeathed firearms from deceased estates, including policy changes to all related fees; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Government regularly whinges about and objects to the frequency and number of resolutions passed in this place for orders for papers. I have great pleasure in giving the Government the opportunity to have a whinge once again—at me, this time; there is nothing new in that. This order for papers has become necessary only because the New South Wales Firearms Registry has been caught out implementing changes that adversely affect hundreds of thousands of licensed, law-abiding firearm owners in this State, without consultation and without any support. It is not an unreasonable expectation that firearm owners are consulted before changes are introduced, but unfortunately that has not happened.

The first paragraph of the motion relates to the recent blitz on firearm safe storage inspections. The shooters party has had feedback from many firearm owners that despite being inspected relatively recently, police have insisted that their firearm safe be inspected yet again, often at great inconvenience. We need to understand the reasoning for the recent round of inspections that was initiated in the wake of the publication of the Coroner's report on the Edwards inquest. The Coroner's inquest report also raises concerns that the former commander of the registry had introduced a policy that breaches the rule of law. At paragraph 525, the inquest report mentioned that the registry has implemented a policy of treating apprehended violence orders [AVOs] that have expired or been revoked by the courts as active AVOs, thereby precluding those applicants from being issued a firearms licence. That is absolutely outrageous. If it is true, it is a flagrant breach of section 11 (5) (c) of the Firearms Act.

Another issue we need to understand and see the documentation on is the recent change regarding the transfer of ownership of firearms inherited from deceased estates. Up until April this year, the registry's fact sheet stated that a beneficiary is not required to apply for a permit to acquire firearms that have been bequeathed to them. That clause, however, has now been removed. An application for a permit to acquire, at a cost of \$30 each, is now required for each inherited firearm. That is another attack on law-abiding firearm owners. The Government can whinge all it likes about this order for papers, but until the Firearms Registry starts being open and transparent with licensed firearm owners in this State, I will continue to ask these embarrassing questions. I commend the motion to the House.

**The Hon. SHAYNE MALLARD (11:28):** The Government does not oppose this motion.

**The Hon. WALT SECORD (11:28):** As the shadow Minister for Police I indicate that the Opposition will be supporting the amended motion of the Hon. Robert Borsak. It is important to get transparency and a true picture of the Firearms Registry. We have to have confidence in the system and this call for papers will assist that. I heard the Hon. Robert Borsak detail the controversial, disputed or contested areas involving apprehended violence orders, inspections and inherited firearms. In the spirit of transparency, Labor will be supporting the motion.

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

**Motion agreed to.***Motions***DARK EMU BY BRUCE PASCOE****The Hon. MARK LATHAM:** I move:

That private members' business item No. 1275 outside the order of precedence be considered in a short form format.

**Motion agreed to.****The Hon. MARK LATHAM (11:30):** I move:

- (1) That this House:
  - (a) supports the Federal Minister for Education and Youth, the Hon Alan Tudge, MP, in his statement of 13 June 2021 that Bruce Pascoe's *Dark Emu* and *Young Dark Emu* should not be used in classrooms; and
  - (b) calls on the New South Wales Government to adopt the same position and policy.
- (2) The House notes:
  - (a) the danger in our schools of teaching material to children which is not factual, especially in the history curriculum;
  - (b) the comprehensive critique of *Dark Emu* in the new book *Hunter-Gathers? The Dark Emu Debate* by leading Australian anthropologist Professor Peter Sutton and archaeologist Dr Keryn Walshe;
  - (c) the Sutton/Walshe assessment that *Dark Emu* is "littered with unsourced material, is poorly researched, distorts and exaggerates many points, selectively emphasises evidence to suit those opinions and ignores large bodies of information that do not support the author's opinions. It is actually not, properly considered, a work of scholarship. Its success as a narrative has been achieved in spite of its failure as an account of fact";
  - (d) Professor Sutton's view that *Dark Emu* does Aboriginal people a huge disservice by removing from the historical record an accurate depiction of the complexity and sophistication of their land use pre-1788—in Sutton's words: Aboriginal people "had developed ways of managing from their landscape that went beyond just hunting and just gathering but did not involve gardening or farming. They were ecological agents who worked with the environment, rather than against it. They frequently used slow-burning fires to make their landscapes more liveable. On the other hand, they did not cut down bush to clear the land, plough and hoe the soil in preparation for planting, or then sow stored seed or tubers or rootstock in gardens or in fields";
  - (e) the absence in Aboriginal languages of words and phrases associated with farming, unlike Torres Strait Islanders, who undertook farming and have languages to match;
  - (f) the historical record, confirmed by Sutton and Walshe, of an absence of permanent Aboriginal housing pre-1788, as Sutton writes, "The recurring pattern, all over Australia, was one of seasonal and other variation in lengths of stays in one place. No group is ever described, at the moment of colonisation, as living year-in, year-out, in one single place"; and
  - (g) the Sutton/Walshe critique is supported by Peter O'Brien's *Bitter Harvest*, which also systematically dismantles *Dark Emu*'s claim to be a factual work of history.

I start with a furphy of the so-called banning of books in schools. Let us make this crystal clear at the outset: There are many more books that are not allowed into schools than books that are allowed. That is the fundamental truth. There are books that are irrelevant to the curriculum, books that are age inappropriate, books that are dangerous, books that are completely inappropriate in a school setting and, most particularly, books that present a fake history. Thankfully, we do not have books in our schools that go to the fake histories about World War II. We do not have books in our schools that go to the fake history of the moon landing or what happened on September 11, trying to fit up George Bush and all this sort of rubbish that you see on the internet. We do not have books that are of that ilk in our schools. I am assuming that right now and in the years ahead we will not have books that go to wild conspiracy theories about coronavirus and the evils of vaccines and all this other material that is completely and utterly fake.

**The Hon. Robert Borsak:** Or climate change.

**The Hon. MARK LATHAM:** Hopefully there is a range of books about climate change, which is still a contested area in the scientific community. But there is no contest on this question of the history of Australia pre-1788 because this book recently published by two eminent Australian Indigenous scholars, Peter Sutton and Keryn Walshe, completely and utterly demolishes the fiction of Bruce Pascoe's *Dark Emu*. It is called *Farmers or Hunter-gatherers? The Dark Emu Debate*, and I recommend that all members read it. I have set out their critique in the motion, which basically argues a number of important points which were earlier confirmed by Peter O'Brien in his book *Bitter Harvest: The illusion of Aboriginal Agriculture in Bruce Pascoe's Dark Emu* that indeed *Dark Emu* was fake history. Nobody took notice of Peter O'Brien because he is a conservative from Kiama, but you would have to say that Sutton and Walshe are coming to this debate from left of centre. They are very much pro-Indigenous.

Their argument is essentially that it is a complete and utter insult to Indigenous Australians to pretend that their history was one of living in townships and living in stone cottages with agricultural cropping in fixed locations. They totally dismiss the Pascoe proposition that he describes in his book that the Indigenous people were not "mere" hunter-gatherers. Pascoe's whole hang-up and why he has written this fabricated history is that he does not like the idea that historians have said Indigenous people were mere hunter-gatherers. Peter Sutton and Keryn Walshe point out that they were never mere hunter-gatherers. They were hunter-gatherers, yes, but with a very complex and sophisticated culture in their attention to the values of the land, the way in which they looked after the environment and the spirituality of where they thought the seeds that they collected came from. This was a sophisticated and complex form of hunter-gathering, but hunter-gathering it was. It is a massive insult to the Indigenous community to rewrite their history and pretend that something else happened that clearly was not the case.

There is no evidence of fixed villages and agricultural fields and cropping when Cook and Phillip arrived. When you go through what Pascoe has done here with selective and openly misleading accounts of explorers like Mitchell and Sturt, it is clear that he has written something that is false. When it becomes *Young Dark Emu*, available to six- and seven-year-olds in our schools, it is openly dangerous. Why should young people be learning something about Australian history that is false? We need to understand that it is not just Sutton, Walshe and Peter O'Brien. I have read enough of Australian history by great historians from the left of centre like Manning Clark and from the right of centre like Geoffrey Blainey to know that the established historical record in Australia shows that the Indigenous were hunter-gatherers, but not mere hunter-gatherers. As I said, they actually had a sophisticated and complex culture, attention to land, spirituality of where the seeds came from, looking after the environment and living in harmony. These are all very important things to be absolutely admired on the historical record.

Geoffrey Blainey wrote in his book *The Story of Australia's People: The Rise and Fall of Ancient Australia* that if we specify the main ingredients of a good standard of living as food, health, shelter and warmth, the average Aborigine in 1800—so this is after white settlement—could not match the comfort and security of the upper classes of Europe—the wealthiest 1 per cent of that population—but they probably lived in more comfort than at least half the people of Europe. Geoffrey Blainey acknowledges that the Indigenous culture was sophisticated in food gathering. He writes that in food, Aborigines probably had the clearest advantage. They often ate foods which would have been rare luxuries to European peasants or town labourers and, at the same time, they ate plenty of starchy foods, which were the main dish at most European tables.

He writes that the sophisticated food gathering—and it was gathering and hunting—in a way gave Indigenous people in Australia a standard of living in 1800 comparable to that of the majority of European society. This was an effective community and an effective way of life. It does not need to be rewritten as living in townships with advanced agricultural cropping. It does not need to be a rewritten history that is actually a massive insult to Indigenous people. *Dark Emu* should not be in our schools.

**The Hon. WALT SECORD (11:35):** I seek leave to speak up to six minutes.

**Leave granted.**

**The Hon. WALT SECORD:** As Labor's spokesperson in the Legislative Council on treaty and reconciliation, I make a contribution to the motion relating to *Dark Emu* by Bruce Pascoe. I support a formal treaty with First Nations people, at both State and Federal levels. I also support enshrining an Indigenous voice in the constitution that allows Aboriginal and Torres Strait Islander people to have specific representation when the Government and Parliament make decisions and laws that affect them. I am proud to have worked for a Labor Government that led the nation in apologising to the Stolen Generation for its policies and practices. This occurred on 18 June 1997. At the time, the sentiments of Premier Bob Carr seemed remarkable. It would now be remarkable not to support them. This brings me to the motion before us today.

I may have the advantage over many who are making comments in the public arena about this book insofar as I have read it. I read *Dark Emu* from cover to cover in 2018, and I have since heard Bruce Pascoe speak on the subject in person. Both were enjoyable and informative experiences. Both provided new research insights into Aboriginal society before European settlement. The Hon. Mark Latham said in January 2020 that he had read *Dark Emu*. He went so far as to say that he "wrote it off as fiction". Any member of this place is free to read what they like and form whatever opinion they want. This goes to the heart of this debate. I disagree with the Hon. Mark Latham's entire assessment of *Dark Emu*, but I agree that he is entitled to those views. Hence, while the Hon. Mark Latham and I share similar views on education, particularly on numeracy, literacy and phonetics, we have differing views on *Dark Emu* being available in New South Wales classrooms.

If our educators have identified value in the perspective offered by *Dark Emu*, then this House has no place interfering with that. As the education Minister has indicated to me privately, it is not a "mandated text" and it is

not "a set text". A broad and diverse education is a great leveller in an unfair society. I agree with Cape York First Nations leader Noel Pearson, who says that education is everything to Indigenous people. He is on the record saying:

At the end of the day if people ask me, what is your economic development strategy? I say the education at the end of the day. I know that I would not be here if it were not for education lifting me out of disadvantage. I come to this debate from a unique perspective. I grew up on an Indigenous reserve in Southern Ontario, so my interest and my experience in First Nations matters is personal. I spent the first 17 years of my life on an Indian reserve before going to university. My late father was a Mohawk-Ojibway First Nations person in southern Canada. My father's mother was Mohawk. They were agricultural-based First Nations who resided in physical structures known as longhouses—communal wooden houses. They farmed in a manner similar to Europeans. The Mohawks cultivated corn, beans and pumpkins, and unfortunately they are the First Nations people that introduced tobacco to the world. In contrast, my father's father was a member of the Mississauga Ojibway First Nation, who were hunters and gatherers up until 1826. They did no farming whatsoever. In short, the different First Nations of Canada embraced different societies and technologies prior to European settlement.

In *Dark Emu* Bruce Pascoe makes a case—a sincere one—that Indigenous Australians were not "mere" hunter-gatherers before European arrival; they also engaged in complex agriculture and housing practices. I remember that, as I read *Dark Emu*, I found myself agreeing with some of Mr Pascoe's observations, but at other times I paused and reflected that I had not reached the same conclusions as he had. This goes to my conclusion in the current debate: People, including our New South Wales students, should be free—in fact should be encouraged—to read published texts and form their own views. If this is done correctly, a text like *Dark Emu* can assist students to think critically, and in fact some students may reach the conclusion that the Hon. Mark Latham has reached, but other students may reach a different conclusion.

History is not mathematics; it is a social study and, as such, it is always open to contention and debate. But we should not be curtailing the discussion or debate of books like *Dark Emu* in our education system. Students should debate and assess for themselves. Finally, the Premier spoke to the subject earlier this month—I think it was on 2GB—and said she did not have an issue with "interrogation or checking out the fact of a book". She went on to say that a "little literary and scholarly debate is not a bad thing". The Premier concluded that the more our students were exposed to debates surrounding Aboriginal history the better. I tend to agree, and Labor will be supporting the Government. I thank the House for its consideration.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:42):** I appreciate the opportunity to discuss the contention surrounding Professor Bruce Pascoe's *Dark Emu* in a mirror of the kind of robust discussion that I know happens in schools when history texts are read and analysed. Recent debate in response to this book has brought to light some of its assumptions and the book's central thesis, which challenged traditional views about pre-contact Indigenous society, has been effectively called into question.

I take a moment to acknowledge the work of leading academics in contributing to the greater understanding of this book. This is the kind of intellectual debate and insight that improves our collective understanding of our history and of our world. However, let me be clear about two things: Firstly, *Dark Emu* is not a set text and is not mandated for use in New South Wales schools. Secondly, if the text is used by teachers, it is used as one of many historical sources and must be taught through a critical lens in an age- and stage-appropriate way. What I mean by this is that teachers must provide students with opportunities to interrogate the claims in the book as part of the discipline of history as they would with any text. This is how I expect *Dark Emu* to be discussed in schools—if it is discussed at all.

The study of history involves an inquiry process where multiple sources of material that present varying or even conflicting perspectives are considered by students. All historical sources are critically analysed for reliability, usefulness and perspective, and no source is used in isolation. This helps students to develop an understanding of history as both nuanced and complex, which it always is. As a general rule, our Government believes in encouraging critical thinking and teaching children, and not in banning books. We believe in teaching students how to think, not what to think. We on this side of politics believe in freedom of inquiry and, for those reasons, we will not be supporting this motion.

**Mr DAVID SHOEBRIDGE (11:43):** I acknowledge that we are gathered here on Gadigal land having this discussion in an institution that has been, in large part, responsible for the dispossession and disempowerment of First Nations peoples. I have read *Dark Emu*. I found it an engaging, informative work, and it has stirred the first real national debate about the complexity of First Nations peoples' culture and economy prior to invasion. It sets out one view about the complexity and diversity of First Nations history. I recall, as I read it, reviewing a number of the footnotes, which you can do online as you read the text, and being led down a fascinating path of looking at the firsthand records of that immediate post-invasion engagement between First Nations peoples and colonisers as they came in.

I found that almost as informative as the text itself. I urge members who are engaged in this debate to read the book, review the footnotes and follow through the history. It is informative that the one time books about

Aboriginal history are raised in this place by right-wing members, it is with the intention of critiquing the First Nations peoples who wrote them. That shows the bad faith with which the arguments in support of this motion have been made. The leader of Pauline Hanson's One Nation in New South Wales does not appear to be interested in that deeper understanding of history.

He joins the likes of Andrew Bolt in deliberately targeting a First Nations historian because his work upsets the comfortable and assumed narrative they have about Aboriginal history. It is ironic that someone who often complains about cancel culture is using the Parliament to try to cancel a book that was published seven years ago and which is not even a required text in schools. The motion is not about young people, the integrity of history or anything like that. I do not think it has been moved in good faith. I also do not think the leader of Pauline Hanson's One Nation in New South Wales would listen to what Bruce Pascoe has to say. In response to Professor Peter Sutton and archaeologist Dr Keryn Walshe's book *Farmers or Hunter-Gatherers? The Dark Emu Debate*, Bruce Pascoe said:

I think what is happening, and I'm saying this without having read the [whole] book or the [*Good Weekend*] article, is that we're having a difference of opinion about history. We're looking at the same facts and we're having a difference of opinion about the facts. That's not a bad thing. I think Aboriginal people have been wanting to have this discussion for 250 years, so I think it can only be positive.

I seek an extension of time.

**Leave granted.**

**Mr DAVID SHOEBRIDGE:** Asked if he would have written *Dark Emu* any differently given the chance, Mr Pascoe said:

"No. The only thing I would change would be to include more material that has now become available. That material, I believe, strengthens the argument. I'm in touch with a lot of archaeologists and anthropologists in Australia and overseas and they keep sending me corroborating material.

We should not be afraid of the complex and competing threads of Australian history. We should not be afraid of the different voices of First Nations peoples as they talk about history. We should not ban books in Sydney schools.

**The Hon. MARK LATHAM (11:47):** In reply: There is a massive difference between the competing threads of history and the historical record that one might find in a university seminar. It is the important responsibility of the Parliament and the Government to ensure that factual material is taught in history classes in our schools. Those classes are not university seminars, where a debate can be had about the historical record and the competing threads of history. The purpose of education in New South Wales is instruction, particularly when it comes to the falsehoods in *Young Dark Emu*, which are being pushed by teachers onto six- to nine-year-olds in New South Wales. Those students do not have the chance to race down to the National Library of Australia to scrutinise the journals of Mitchell, Sturt and other explorers. They rely primarily on the education Minister to ensure that the material they are taught in the classroom is true and factual. Why have the long-established facts and truth expressed by those on the left of politics, like Manning Clark, to those on the right of politics, like Geoffrey Blainey, and everyone in between—which have been confirmed by Sutton and Walshe—been discarded?

Mr David Shoebridge has implied that there is a right-wing conspiracy to do with Bruce Pascoe. When he gets the time to read *Farmers or Hunter-Gatherers? The Dark Emu Debate* by Sutton and Walshe, he will see that they are eminent Australian Indigenous scholars from the left of politics. After having read the book, if they do not vote green I would be a bad judge. They are respected scholars who have gone through the Pascoe material chapter and verse and reached the conclusion that what Pascoe wrote was not only untrue but also massively disrespectful to Indigenous Australians. We hear about truth telling and the essence of that is to respect Indigenous history for what it was, not to fabricate something because one wants it to be true. Wanting something to be true does not make it true. It is completely disrespectful to Indigenous Australians to say there is a problem and somehow it was shameful to be hunter-gatherers or, as Pascoe put it, "mere hunter-gatherers". Their society was sophisticated and complex and had many attributes in its hunting and gathering. That history does not need to be rewritten just to shamefully say, "There is something else that we want to be true so we are going to say they lived in fixed villages and had agricultural cropping," when it is fundamentally false.

I cannot imagine anything more disrespectful to Indigenous Australians. Look at the comments that have been made today on the front page of *The Australian* by Dr Hannah McGlade, a member of United Nations Permanent Forum on Indigenous Issues and long-time campaigner for the rights of Indigenous women. She says *Dark Emu* "clearly is not very truthful or accurate" and is "misleading and offensive to Aboriginal people and culture". Those voices will increasingly come out as people read the book by Sutton and Walshe and the earlier very similar version published from the other side of politics by Peter O'Brien entitled *Bitter Harvest: The Illusion of Aboriginal Agriculture in Bruce Pascoe's Dark Emu*. The verdict is in. As for the Minister saying *Dark Emu* is

not a mandated text, well, go into schools and look at the number of classrooms where it is distributed. It does not have to be a mandated text in New South Wales for teachers to grab hold of it. If they want it to be true and if they think it should be true, they can teach it in their classrooms.

I seek an extension of time.

**Leave granted.**

**The Hon. MARK LATHAM:** The Minister gave an answer to my question on notice where she said in support of Pascoe that his bibliography cites a range of primary and secondary source material to support his claim. It is true, the bibliography has 300 titles but only 100 are used in the explanatory notes and 200 are there just for show. It has sucked in the education Minister, who thought, "Oh, it's got 300 titles in the bibliography. This must be a work of scholarship." Two-thirds of the titles are not even cited in the book. One can see the extent of the con job. I ask that the Liberal Government agree with the Liberal Federal education Minister, who said on 13 June that Bruce Pascoe's *Dark Emu* and *Young Dark Emu* should not be used in classrooms. If it is good enough for the Federal Minister, Manning Clark and Geoffrey Blainey, Peter Sutton and Keryn Walshe, Peter O'Brien and Hannah McGlade, surely it is good enough for the education Minister in New South Wales instead of being conned by the book.

The Minister has said it is not a mandated text. That is true but that does not mean much in the context of education today. If we want a fair dinkum education system, our first responsibility is to not teach fake history and mislead students. A whole range of historical record exists that establishes the truth. It should not be jeopardised by one renegade book by Bruce Pascoe because people want it to be true for political reasons. I have read them all. Pascoe is not true. It is shameful that his book would be left in classrooms to the point of deliberately misleading young people about the history of our nation and of Indigenous peoples.

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

**The House divided.**

Ayes .....5  
Noes .....34  
Majority.....29

**AYES**

Banasiak (teller)  
Borsak

Latham (teller)  
Nile

Roberts

**NOES**

Amato  
Boyd  
Buttigieg  
Cusack  
D'Adam  
Donnelly  
Faehrmann  
Fang  
Farlow  
Farraway (teller)  
Field  
Graham

Harwin  
Houssos  
Hurst  
Jackson  
Maclaren-Jones  
Mallard (teller)  
Martin  
Mitchell  
Mookhey  
Moriarty  
Moselmane

Pearson  
Poulos  
Primrose  
Searle  
Secord  
Sharpe  
Shoebridge  
Taylor  
Tudehope  
Veitch  
Ward

**Motion negatived.**

*Personal Explanation*

**TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:05):** By leave: I wish to correct the record in relation to an error I made yesterday during question time. The answer related to the Transport Asset Holding Entity [TAHE].

**The PRESIDENT:** Order! The Minister has the call. He is making a personal explanation.

**The Hon. DAMIEN TUDEHOPE:** As stated, TAHE is a State-owned corporation, which is a type of public non-financial corporation. It is a long-established vehicle for managing public assets. In this case, TAHE holds rail assets for the benefit of the people of New South Wales and, as a State-owned corporation, is expected to bring a more effective, efficient and commercial approach to the management of heavy rail assets, particularly property. Yesterday in my answer I stated:

The Auditor-General has signed off in relation to the financial viability of the structure.

That is not technically correct.

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

**The Hon. DAMIEN TUDEHOPE:** I should have said, "NSW Treasury has signed off in relation to the financial viability of the structure." NSW Treasury meets regularly with the office of the Auditor-General to share and obtain feedback on all ongoing work across Government and seeks to act on that feedback. The Auditor-General audits the New South Wales Government's accounts and has provided unqualified opinions on the Total State Sector Accounts since the creation of TAHE. I thank the House for its indulgence.

#### *Announcements*

### **COVID-SAFE ARRANGEMENTS**

**The PRESIDENT (12:07):** I wish to provide further information in relation to COVID-safe arrangements. No doubt members are aware of the Premier's statement this morning concerning a tightening of restrictions, which will apply from 4.00 p.m. today. This includes the one person per four square metres rule. I am pleased to advise that this is the standard that has continued to apply in this Chamber for all sittings. I simply reiterate to members the need to sit in the places marked in the Chamber, including in the upper and lower galleries.

I also advise members that masks are available from the Chamber and support staff and on the table in the Chamber. I draw the attention of members to the public health advice provided this morning in relation to masks. I note that a number of members have approached me to ask whether or not members may remove their mask to speak at the lectern and the answer to that is clearly yes. Otherwise, I encourage members to cooperate with the rules that apply in relation to wearing masks in workplaces.

It being past 12 noon, according to sessional order business is now interrupted for questions.

#### *Questions Without Notice*

### **COVID-19 AND SCHOOLS**

**The Hon. PENNY SHARPE (12:08):** My question without notice is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Given the changes in COVID-19 restrictions today, what advice has been provided to schools and parents in respect of the application of the restrictions and public health orders, including the closure of schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09):** I thank the honourable member for her question. It is a good question given the announcement by the Premier less than an hour ago. Throughout the entire pandemic we have worked very closely with NSW Health to provide updated advice to school communities. I am aware of one case that has affected a non-government school, which has been reported in the media and that members in this place would be aware of.

The new restrictions and changes will begin from four o'clock this afternoon. As members would be aware, I was in the Chamber during the Premier's press conference. It has literally just happened. It is my intention to speak to the secretary once question time is over to get further advice on what needs to go out to schools to make sure that we keep principals well informed. The new restrictions or guidelines that the Premier has announced come into effect at 4.00 p.m., which is at the end of the school day. We will make sure that principals are provided with any updated health advice before tomorrow as their schools may be impacted.

**The Hon. PENNY SHARPE (12:10):** I ask a supplementary question. I thank the Minister for her answer and I understand it is a fast-moving situation. When the Minister provides additional information on the issue, will she elucidate her answer to inform the House whether there is a trigger point at which point schools may be closed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10):** Again, as we have seen throughout the pandemic, we rely on advice from NSW Health on these issues. We have done that from the very beginning and we will continue to do that. The Department of Education works very closely with the Department of Health and monitors ongoing situations. We make decisions accordingly and provide advice to the community. It is fair to say that from what the Premier has announced today, more

restrictions will be back in place but we are not going into a lockdown. We are putting sensible restrictions in place in particular local government areas. Given that new information, I need to seek advice from NSW Health on the impact to schools, if any. I am going to take a punt and suspect that is happening between my departmental staff and Health staff. I am very happy to provide more information to members in relation to that. We will make sure our school communities receive the advice they need.

**The Hon. WALT SECORD (12:11):** I ask a second supplementary question. Will the Minister elucidate her answer in regard to the closure of individual schools? Ultimately, who makes the final decision on the closure of a school?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11):** In relation to school closures, the advice comes from Health when we have either a positive case or close contacts. For example, we had a school in the Parramatta electorate that was non-operational towards the end of last week as a precaution because a number of staff were impacted, having been at a venue that required them to get tested. We were able to re-open that school on Monday. That happens in conjunction with advice from Health and Education.

In terms of broader scale closures, it is important to note that even at the height of the pandemic, while we encouraged parents to have their children learn from home, schools were always open for students who needed to attend and for those who did not have the opportunity to stay at home. Over the past 12 months we have moved towards a case-by-case basis based on health advice in terms of either a positive case that affects a school community or in the instance of the school in the Parramatta region last week where a number of impacted staff were isolating as a precaution based on health advice. It is very much led on the advice that Health gives Education. That is what the Government has done since the beginning of the pandemic and what it will continue to do.

#### STATE BUDGET AND CREATIVE CAPITAL PROGRAM

**The Hon. LOU AMATO (12:12):** 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 creative capital included in the 2021-22 budget?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:13):** Yes, I will. I thank the honourable member for his question. The 2021-22 budget includes a new Creative Capital Program to fund new and upgraded cultural infrastructure across New South Wales. There will be \$60 million in funding provided over two years, which will benefit communities right across New South Wales. The funding will address the demand for facilities to support the creative economy and improve access to, and participation in, quality cultural experiences across New South Wales. Grants will be available to fund new infrastructure or to upgrade existing cultural infrastructure to make existing spaces fit for purpose.

There will be a particular focus on enhancing facilities to support regional touring of performances and the regional touring of exhibitions for museums and galleries. Examples include funding a climate control system so that a gallery or museum can exhibit a touring show or by funding some technical equipment or accessibility upgrades so that a venue can receive a visit from a band or a touring orchestra. Museums, theatres, galleries, performance spaces and Aboriginal keeping places will all be eligible. Cultural equity is at the heart of the new Creative Capital Program and will ensure that more people have access to and can participate in the arts. The program is for the whole State, from Broken Hill to Blacktown and Evans Head to Eden. Communities across New South Wales all deserve access to quality arts and culture no matter where they are.

We know the demand for cultural infrastructure funding across New South Wales is high. Extensive consultation was undertaken with the sector through the New South Wales Government's Cultural Infrastructure Plan 2025+ process. The \$100 million Regional Cultural Fund was three times oversubscribed, and a 2021 Create Infrastructure survey of councils and independent arts organisations found that in regional New South Wales and western Sydney, 139 cultural infrastructure programs are in the pipeline and may need funding. The \$60 million commitment by the New South Wales Government will help address that demand while positioning New South Wales as an arts and cultural leader far into the future. The program will be allocated to, and administered by, Create NSW. Guidelines will be released in the coming weeks and will be available on the Create NSW website.

#### SCHOOL HOURS TRIAL

**The Hon. JOHN GRAHAM (12:16):** My question without notice is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. What is the Minister's response to parental concerns that the Government's changes to school hours will cause major disruption to parents and students who are already struggling to manage work, school drop-off and pick-up, and after-school care?



**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16):**

I thank the honourable member for his question. It is a great opportunity to talk about the recent announcement we made about looking at the traditional school day. To be clear, as we said when that announcement was made, we will be working closely with school communities on the pilot. We envisage that we would like about a dozen schools to take part in the pilot. The member may not be aware that some schools already operate outside the traditional nine to three. There are some schools that start a bit earlier and finish a bit earlier and that is worked out in consultation with their school communities because that is what works for them. We recognise that work and family life now is very different to when traditional school hours were first established. The trial is about thinking a bit innovatively and trying some new things to see if we can find a better way for the school system to support families and, most importantly, to support teaching and learning.

As part of the trial, one of the things we want to look at is if changing traditional hours of certain schools in certain circumstances would benefit communities. We also want to look at what else we can offer parents and school communities around the use of school infrastructure. As members should be aware after yesterday's question time, we are talking about billions of dollars being invested in new and upgraded classrooms. It is a shame that we often lock schools up at 3.30 p.m. and we do not use them again until the next day. They are not all used over weekends. If there are ways to focus on schools as the centre of community and get the most out of taxpayer investment in education, then we should be looking at doing that.

A lot of jurisdictions already do that. We could work in conjunction with before- and after-school care providers to see what else we could offer to parents and families. In some high schools that do not have before- and after-school care, we could look at options like accelerated learning pathways after school for gifted and talented kids; catch-up programs like COVID tuition, which a lot of schools are offering outside of hours; sporting programs; and cultural programs. How can we make sure that kids have opportunities to enhance their learning beyond traditional school hours? Again, those are the types of things we want to look at in the trial.

We will make sure we work with the Centre for Education Statistics and Evaluation [CESE]. Research shows that an earlier start time can be better for some students when they are more engaged in their learning. If we can run accelerated programs or catch-up programs, does that make a difference on student outcomes? This is an exciting pilot to see what is possible. It will give us data and information. For any schools that take part in the trial, there will be full support from the principal, the parents and the school community. This is not about imposing statewide changes on everybody; it is about looking at different options and seeing what we can come up with.

**The Hon. JOHN GRAHAM (12:19):** I ask a supplementary question. Will the Minister elucidate on that part of her answer where she suggested a dozen schools will take part in the trial? Given the Minister is correct that a range of school across the State are trialling this already, isn't this more a publicity stunt than a productivity boost?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19):**

Not at all. This is about a government being prepared to try innovative and new things. That is exciting. This is about looking at a range of measures, particularly for us. Yes, there is the productivity element; it will not surprise anyone if I say the Treasurer was pretty keen about that. But for me as the education Minister, it is about the positive education benefits that can come from it, recognising that school communities are different. It will be useful for some schools to access resources after hours to help some students catch up, like we have been doing with COVID or for those who might have accelerated abilities. How can we offer them the opportunity to learn more and get more out of their school day? If there are high school students who are considering working towards a TAFE credential or a university micro-credential, can we do that outside of hours if that suits that school community?

The Hon. Bronnie Taylor is interested in some of the wellbeing and financial literacy programs, particularly from a regional perspective. She has been working in that space already. Our schools are great assets. We have wonderful public infrastructure that is taxpayer funded. This is about how we can use those spaces more broadly. It is a positive thing. I am keen to get this trial started, and I am excited to see which schools would like to take part. I want the evaluation from the CESE and the evidence behind it to see if it makes a difference. There is no harm in trying new things, particularly in education, when the focus is on how to give more support to our students, how to help them be the best they can be and how to best use that investment of billions of dollars of taxpayers' money in school infrastructure to get great outcomes for our kids.

**The Hon. COURTNEY HOUSSOS (12:21):** I ask a second supplementary question. Will the Minister elucidate that part of her answer about the different opportunities students will have after school, such as learning and wellbeing? Are there any additional resources or measures to provide support to coordinate those additional ideas?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:21):**

Now that we have announced our intention to run the trial, we are in a position to go to school communities and see who wants to be involved, look at how to run the trial and pilot, and resource it as such. I use the example of our COVID tuition program, as I have mentioned already in a couple of answers. It has been very successful. Schools were given extra money to run the program and help students catch up. Many have implemented that into their school day, but some schools said they would run their tuition program early. Students and teachers are coming in at eight o'clock and teachers are paid for that additional work. They are running targeted early intervention and support with the COVID tuition program before school because that is what suits those parents and that school community.

We already have anecdotal feedback from some school communities that they really enjoy the COVID program and will look to continue it when the year finishes by using some of their own round funding. They see what it means for their students. The point is how we should use the resources we have, looking at the record funding that is going into infrastructure. I am clearly keen on the academic opportunities we have to help students either catch up or work further ahead, if that is something they have the ability to do. Again, there are also some great sporting and cultural opportunities. I am sure the arts Minister will agree with me.

**The Hon. Don Harwin:** Absolutely.

**The Hon. SARAH MITCHELL:** A lot of the school builds have amazing new performing arts spaces that are very well utilised during the school day. Some have arrangements for outside providers to come in and provide lessons, but that is on a school-by-school basis.

**The Hon. Courtney Houssos:** Point of order: The Minister is answering the previous question and not the question I asked, which was about additional resources and what is being put in to coordinate those services. We asked about the services, but we want to know about the additional resources those pilot schools are going to have, or are these simply just ideas that the Minister is talking about?

**The Hon. Bronnie Taylor:** To the point of order: The Minister was being directly relevant. She mentioned that teachers can come in earlier and run those programs. She directly spoke about all the opportunities they could be taking. She could not have been more directly relevant to answering the second supplementary question.

**The PRESIDENT:** The Minister was being directly relevant to the question. The Minister will complete her answer.

**The Hon. SARAH MITCHELL:** I will do that with 20 seconds left. As I said, now that the trial is announced, we are excited to see which school communities will take part. We will support them to do the trial with the partnership of CESE and then we will get a clear picture of what works in particular school settings and what is scalable and we will give informed information to other school communities.

**DEPUTY PREMIER AND FIXATED PERSONS UNIT**

**The Hon. ROBERT BORSAK (12:25):** My question without notice is directed to the Deputy Leader of the Government, in her capacity representing the Deputy Premier. Does the Minister accept that the position of Deputy Premier is not only a powerful position in government but also requires a great sense of duty? If so, does the Minister believe it is appropriate to escalate a civil matter into a criminal matter? If not, why was the fixated persons unit dispatched to arrest Kristo Langker at his family home on 4 June this month at the behest of the Deputy Premier? Is the Minister aware that the fixated persons unit was set up to tackle lone-actor extremists three years after the Lindt Cafe siege? How does the Minister reconcile the use of the fixated persons unit to arrest a person who possesses or draws caricatures as opposed to the Lindt Cafe siege terrorist, Man Haron Monis, and his ilk?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:25):**

I thank the Hon. Robert Borsak for his question asked of me representing the Deputy Premier. He asked quite a specific question. He made a comment about the role of Deputy Premier being powerful and one of duty. No-one encapsulates a sense of duty like John Barilaro for his work in representing regional communities and as the Leader of The Nationals.

**The PRESIDENT:** Order! I thought the wearing of masks might mute the response from the Opposition, but clearly not in this case. The Minister has the call.

**The Hon. SARAH MITCHELL:** No-one in this place has a bigger sense of duty than John Barilaro in the work that he does and the powerful advocate that he is in regional communities. The member referred quite specifically to legal matters and police investigations that are underway. I will take the question on notice because I do not want to say anything to impede or affect that investigation. I also happily put on the record on my behalf—

and I expect on behalf of all members on this side of the Chamber—that the Deputy Premier has our full support. We will let the relevant legal proceedings take place.

**The Hon. Robert Borsak:** Point of order: The question clearly does not go to the facts of the case. The question clearly goes to the appropriateness of using what is basically an anti-terrorist unit within the New South Wales police to prosecute a civil matter and turn it into a criminal matter. It is no excuse for the Government to say that it is a legal matter and it will not answer it.

**The PRESIDENT:** The Minister has completed her answer to the question. There is no point of order.

#### STATE BUDGET AND SCHOOL INFRASTRUCTURE

**The Hon. WES FANG (12:28):** My question is addressed to the Minister for Education and Early Childhood Learning. What does the 2021-22 budget include for new and upgraded schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:28):** I thank the Hon. Wes Fang for his question. I am pleased to update the House on the Government's investment in our school building program by building on some of the answers that I gave yesterday. This year's budget includes an additional \$2.1 billion across 44 new and upgraded school projects, boosting our investment over the next four years to \$7.9 billion. Communities will benefit from brand-new schools right across the State as well as major upgrades to existing school facilities.

In western Sydney alone there are 22 projects with three new primary schools funded for delivery, including schools at Gregory Hills, Westmead and Wilton Junction. Funding is also set aside for new high schools in Marsden Park and Edmondson Park and there is funding to progress the delivery of a new selective high school in south-western Sydney. Major upgrades will also be delivered at Darcy Road Public School, Cecil Hills High School, Cumberland High School and Punchbowl Public School. The 2021-22 budget also provides funding to deliver stage two of Jordan Springs Public School, stage two of Galungara Public School and stage two of Wentworth Point Public School.

Western Sydney is not alone in benefiting from the budget, with funding locked in to deliver upgrades at Neutral Bay Public School and Cronulla High School as well as education campuses at Rydalmere, Macquarie Park, Narrabeen and Newcastle and stage one of the education campus at St Leonards. Regional New South Wales does not miss out either, with the budget delivering an upgrade to the boarding facilities at Yanco Agricultural High School—something that the Hon. Wes Fang has been championing for many months and something that the students at the school have also been strong advocates for. I am pleased to be able to deliver that upgrade. Members of this place would be aware of the issues with mould at Wee Waa High School. This year's budget locks in funding to deliver a new high school on a new site for the students and staff at Wee Waa. I thank the Hon. Sam Faraway for his continued advocacy on behalf of that community.

South Nowra will see a new primary school delivered and a major upgrade is on the way for Bomaderry High School. Stage two of Murrumbidgee Regional High School will also be progressed and funding to deliver the joint-use PCYC facilities at Hastings Secondary College has also been allocated in this year's budget. Across New South Wales, school communities are receiving investment from this Government. Over the past four years we have invested \$7 billion in new and upgraded schools, with a further \$7.9 billion allocated over the next four years.

Since January 2019, 108 new and upgraded schools have been delivered by our Government. The budget confirms that even more schools and more communities are set to benefit from our Government's investment. From new schools and major upgrades to minor capital projects and new and upgraded digital resources, it is a program that now stands at a \$15 billion pipeline of works, the likes of which we have not seen in this State before. We are a government that is absolutely committed to our public schools and I am so proud that this year's budget increases our investment to deliver the facilities that communities across the State all deserve. It is very exciting news for so many.

**The PRESIDENT:** I ask members to be considerate because it is difficult to hear people with their masks on.

#### TRANSURBAN AND TOLL ROADS

**Ms ABIGAIL BOYD (12:31):** My question without notice is directed to the Leader of the Government, representing the Premier. We now know that the Government will be moving ahead with its long-term plans to charge road users for every kilometre that they drive. How many times in this parliamentary term have members of the Government met with Transurban to discuss its plan to make every New South Wales road a toll road?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:32):** I apologise to the House for being detained outside. I was having a conversation with the Hon. Robert Borsak and I lost track of the time. I thank Ms Abigail Boyd for her question, which obviously is directed not just to me in my personal ministerial capacity or even to the Premier, whom I represent, but in fact is of relevance to every member of Cabinet. I will take the question on notice and endeavour to get the member an answer as soon as I possibly can. I make one final point that all Ministers are required to regularly disclose any meetings they have on any public policy issues. So the honourable member should bear in mind that the information should be in the public domain already.

#### **STATE PRODUCTIVITY AND ROAD CONGESTION AND TOLLS**

**The Hon. DANIEL MOOKHEY (12:33):** My question is directed to the Hon. Damien Tudehope in his capacity as the Minister for Finance and Small Business, representing the Treasurer. Given the Government's push to change school hours due to traffic congestion in Sydney, will the Minister now admit that congestion and tolls are choking the State's productivity?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:34):** I thank the member for his question. It is amazing that since becoming the shadow Treasurer he now dresses like one. He has changed his glasses. He now tries to dress like Dom Perrottet.

**The PRESIDENT:** Order! Minister, it is always dangerous to hand out fashion advice.

**The Hon. DAMIEN TUDEHOPE:** I am giving fashion advice to the Hon. Daniel Mookhey on how he can qualify to become the Treasurer. He can start by dressing like him. Get rid of the glasses and get new ones.

**The Hon. Daniel Mookhey:** I seek leave to make a personal explanation.

**Leave not granted.**

**The Hon. DAMIEN TUDEHOPE:** It is a great question but the premise of it is probably wrong. In fact, I endorse all the comments that the Minister for Education and Early Childhood Learning so eruditely articulated earlier to similar questions directed to her. The school hours policy is directed at making sure that the parents and children of New South Wales get the best possible opportunity from a range of educational options. Why would anyone not want to support families by providing more flexible working hours? Why would anyone not want to support schools by providing more flexible working hours? Why would anyone not want to support the community with better access to school property and school infrastructure? To try to dress up a productivity announcement in circumstances that this is a congestion-busting response articulated—

**The Hon. Daniel Mookhey:** That's what the Treasurer said. We're talking about 12 schools.

**The Hon. Walt Secord:** Perrottet took credit for it.

**The Hon. Rose Jackson:** It was in the newspaper as his idea.

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

**The Hon. DAMIEN TUDEHOPE:** I know it is difficult for members opposite, but the whole point of flexibility involves getting to school at a time when there is less congestion around school gates. Everyone knows that lots of people drive to school. Let us make the hours more flexible to create a circumstance of less congestion around school gates. I have had the opportunity of educating a number of kids and I have to tell you one of the banes of a parent's life is turning up at school and competing with the school traffic line and its inherent dangers. A policy that is directed at solving that sort of issue is innovative and in fact is expected of a government that has imagination and delivers for the people of this State. Members should be welcoming it.

**The Hon. DANIEL MOOKHEY (12:37):** I ask a supplementary question. In his answer, the Minister talked about the positive effects of productivity. Will the Minister elucidate what will be the increase in workplace participation caused by those positive effects of productivity and what will be the decrease in lost earning working hours as a result of this measure?

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

**The Hon. Daniel Mookhey:** To the point of order: The supplementary question passes all three aspects of the Ajaka test. It is related to the first aspect of the question which is, as I put it, to do with the State's productivity and arises from a specific part of the Minister's answers or multiple parts of the Minister's answers, including why the Parliament should be welcoming the policy and why it is a boon for people who are educating children. Therefore, the logic of the supplementary question is seeking further information on how those benefits are being quantified and what we can expect and hold the Government to account for when it says that this measure is going to help productivity. I am thus asking whether or not it is a measure that is going to increase the

participation rate and whether or not it is going to decrease lost earning hours of the State. It all has to do with productivity.

**The PRESIDENT:** I thank members for their submissions. The issue is whether the supplementary question satisfies the Ajaka three-way test. Indeed, every question has an element of newness about it. So long as it is related to the original question and it satisfies each of those three steps, it is in order. On that basis, I rule that the supplementary question is in order. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39):** It is astonishing that a member of this House does not recognise that flexible working hours—

**The Hon. Greg Donnelly:** You are reflecting on the member.

**The Hon. Daniel Mookhey:** Why don't you tell us more about TAHE?

**The Hon. DAMIEN TUDEHOPE:** I am really happy to talk the member about the Transport Asset Holding Entity [TAHE].

**The Hon. Daniel Mookhey:** Yes, tell us some more. You can turn up to the inquiry.

**The PRESIDENT:** I encourage the Minister not to respond to interjections and to focus on answering the supplementary question. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Sometimes it is really great that you get handed pieces of paper when you are answering a question. On 31 May 2021 the NSW Productivity Commission released the third and final paper of its productivity reform series. Everyone has probably read it. I bet that Opposition members have read it.

**The Hon. Walt Secord:** We did.

**The Hon. DAMIEN TUDEHOPE:** The white paper outlines 60 opportunities across seven areas: schools, skills, regulation, water, energy, taxation, planning, and infrastructure. These opportunities stand on four foundations: talent, supporting the skill—

**The Hon. Daniel Mookhey:** Point of order: I know the cavalry has arrived, but they have sent the wrong horse. My question was about the participation rate and it was about lost earnings hours. I do not know what the Minister is going on about in mentioning the four foundations. It was a fine report. But having read that report I can assure the Minister that it says nothing about earnings.

**The PRESIDENT:** I am enjoying the banter, but let me be clear. The supplementary question asked about productivity. I think the Minister is making some introductory comments in relation to the subject matter and is about to come to the point.

**The Hon. Mark Latham:** Point of order: I take a further point of order under Standing Order 91 (4). These senior Ministers are paid big bucks. There should be higher standards for him rather than having some schoolkid writing out the answer for him and he reads it out to the Parliament. Surely the Minister must know the answer and be able to give that to the Parliament under Standing Order 91 (4).

**The Hon. DAMIEN TUDEHOPE:** I am happy to do that.

**The PRESIDENT:** For the benefit of the Hon. Mark Latham, Standing Order 91 (4) deals with another matter; it does not relate to answers to questions. The Minister is able to read from documents in that regard, as long as it is not too onerous in that respect. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** There would not be a member of this place who would not accept that flexibility in working hours is something that benefits working families. So let us all start by agreeing upon that and not necessarily just saying this is about productivity based on relieving congestion. Get that clear. One of the innovations in the budget is that we want to have fiscal literacy. The first to enrol is the shadow Treasurer. Fiscal literacy—he is enrolling. I say this about the question: The Treasurer, as part of the Budget Speech, undertook to report to the House on a regular basis the manner in which the Government complies with this issue. I anticipate that he will address just this issue. [*Time expired.*]

**The Hon. WALT SECORD (12:42):** I ask a second supplementary question. Will the Minister elucidate his answer. In his supplementary answer he referred to 60 opportunities identified in the NSW Productivity Commission's report. How many of those 60 opportunities are being implemented or accepted by the Government?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:43):** I am not sure whether that is not a new question but I am happy to answer it. If my memory serves me correctly, in his Budget Speech yesterday the Treasurer indicated that there were 20 that were already in process. But the fact of the matter is this: The Productivity Commission's report is something that the Treasurer said should educate policymaking

in this State. As part of embracing the Productivity Commission's report, the Treasurer has undertaken to report to the Parliament every six months. The Government is, in fact, delivering for the people of New South Wales in respect of those productivity outcomes. What we ought to be doing is saying that this is the way forward. One of the interesting things about the Productivity Commission's report was the manner in which it called for tax reform—stamp duty reform. Do those opposite support tax reform in this State? They do not want to get on board. There is no positivity from those opposite; there is only negativity.

#### STATE BUDGET AND YOUTH MENTAL HEALTH

**The Hon. CATHERINE CUSACK (12:45):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. How will the New South Wales Government support young people in the budget, in particular, those under 18 facing a mental health crisis?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:45):** I thank the honourable member for her question. Emergency department mental health presentations for young people are rising, particularly among young people under the age of 18 years. That is why, as part of this year's budget, this Government is committing the largest ever single investment in child and adolescent mental health in New South Wales history. Yesterday I was really proud to join the Treasurer to announce funding of \$109.5 million for 25 child and adolescent mental health response teams known as "Safeguards". These flying squads will be a real game changer, providing wraparound support for children, teenagers and their families outside the clinical mental health system. The teams will meet with young people in their home, at school or in care and provide support to their families, their carers and immediate supports. They will work with emergency departments, primary health services, and family and community services. Unlike other services, this program will ensure that people are handheld through the process.

For example, if a young person is resistant to care or needs to be admitted to an acute unit, the Safeguards team will ensure that they experience a really smooth transition. If a young person or their family is feeling overwhelmed about support services, the Safeguards team will help them understand the options available and to navigate the system. Each team will be a mix of eight clinical, nursing and allied health specialists—child psychiatrists, clinical nurse consultants, social workers and peer workers. They will be on hand seven days a week, partnering closely with other 24-hour mental health services. To kick off the Safeguards initiative, we will roll out teams in 10 local health districts including Northern Sydney, Hunter New England, Murrumbidgee and Illawarra Shoalhaven. This will scale up and by year four all local health districts will have at least one team. It is all about creating a web of support for these children by bringing out the right care at the right time in the right place, not only to them but also to their loved ones, their families and their carers.

Demand for New South Wales specialist mental health services for children and adolescents has been increasing. These new Safeguards teams are part of the Government's broader investment into youth mental health. The Government has boosted funding for Kids Helpline and invested in headspace to establish suicide prevention community collaboratives and parent information sessions, which have had a huge uptake. Most importantly, these teams will work with our 100 school wellbeing nurses to support vulnerable students and communities across New South Wales. The New South Wales Government is building a safer and stronger New South Wales. The Safeguards youth mental health response teams will be a vital addition to support the mental health of children and teenagers across New South Wales. I will be pleased to see the evaluation on these teams and to see where they are going. These are good days indeed for investment in youth and adolescent mental health in New South Wales.

#### POKER MACHINES AND PROBLEM GAMBLING

**Ms CATE FAEHRMANN (12:48):** My question is directed to the Minister for Finance and Small Business, representing the Treasurer. The budget papers reveal that tax revenue from poker machines in pubs and clubs jumped from \$1.351 billion in 2019-20 to \$1.865 billion in 2020-21, an increase of 38 per cent. The budget papers also assume that gambling tax revenue from pubs and clubs will increase by 62 per cent to \$2.19 billion from 2019-20 to 2024-25. Will the Minister explain how the real and assumed increases in gambling tax revenue from pubs and clubs in this budget are consistent with his Government's stated aims of reducing the harm from gambling?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:49):** The Greens are like the Ministry for No Fun. Every time a Greens member get up to ask a question it is, "How can we stop people enjoying themselves? How can we stop people from mixing with their mates—going to the club, having a good time and having a few beers, enjoying themselves and from time to time putting a few bob through a poker machine?" That is the mantra of The Greens and the way that its members approach every issue: "We want to create a law to stop people enjoying themselves." However, there is a component that is important, which is the commitment of the New South Wales Government—and the club industry, I might say—to make sure that there

is responsible administration of clubs to prevent problem gambling. The Government insists that clubs set aside an amount every year for the purposes of addressing problem gambling.

What we cannot lose sight of is the manner in which clubs support community activity. Clubs are generally not-for-profit organisations. If one goes to community functions held throughout the State during the course of the year, which are an important component of community life, one finds that often those events are sponsored by local clubs. That is exactly what we ought to be trying to foster in the community rather than trying to shut it down. We should be welcoming people getting out and enjoying activity in their clubs. To the extent that there is problem gambling in the community, let us not kill all the club activity just because of an identified risk. Let us address the risk in circumstances where that is the responsible thing to do. That is not like The Greens' approach, which is to stop everything, shut the clubs down and stop people enjoying themselves. That is the only way The Greens have as a basis for policymaking in this State.

**Ms CATE FAEHRMANN (12:52):** I ask a supplementary question. Would the Minister elucidate his answer in relation to poker machine use being fun. Has he met with people who have been addicted to gambling and lost their marriage, their homes and sometimes even, as we know, their lives?

**The Hon. Shayne Mallard:** Point of order—

**Ms CATE FAEHRMANN:** Would the Minister elucidate his answer.

**The Hon. Damien Tudehope:** You have no idea.

**The Hon. Shayne Mallard:** Point of order: The supplementary question is clearly not seeking elucidation. It is a totally new question asked of the Minister. I ask that you rule it out of order.

**The PRESIDENT:** Does the member wish to make a submission in that regard?

**Ms CATE FAEHRMANN:** I did not hear the Hon. Shayne Mallard's point of order.

**The Hon. Shayne Mallard:** It was a new question.

**The PRESIDENT:** If there is no submission from the member, I rule that when applying the three-way test—which is always a somewhat fraught activity—the Minister did indeed refer to the issue of "fun". The member has related the supplementary question to that answer and has sought to elucidate a matter in relation to that. I will allow the supplementary question. I ask the Minister to respond.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53):** The supplementary question asked of me is in fact a personal question, in many respects: "Have I met with anyone?" Well, the answer is yes. In fact, I can relate a very, very sad case where a client of mine who developed a gambling habit lost his home, lost his family and took his own life. If the member thinks that as a Minister in this place I do not have any personal experience of the issues she is wrong. I have very significant personal experience. I looked after the family of that man who took his own life and I understand completely the problems which exist in relation to problem gambling.

I do not deprecate that problem for one moment in any answer that I give in this place. As a Parliament we are obliged to address it as best we can. The manner in which the member would address it is to shut down the industry. That is not the position of the Government. The position of the Government is to deal with the issue in a responsible way. The fact that people enjoy themselves at clubs is not something we ought to be downplaying; we should in fact seek to get people to be out in circumstances where they are enjoying themselves, where they work and communicate with each other and contribute to their communities. I welcome the great work that clubs do in New South Wales and as a Government we seek to support clubs. *[Time expired.]*

**Mr JUSTIN FIELD (12:56):** I ask a second supplementary question. My question relates to the Minister's response that it is the responsibility of the Government to ensure responsible gambling in New South Wales clubs. Given the reporting that 95 per cent of registered clubs in New South Wales are not compliant with Federal anti-money-laundering laws, how much of this 39 per cent increase in gambling revenue through clubs does the Government estimate is the result of money laundering?

**The PRESIDENT:** That question is not related to the original question. It takes it well beyond the three-way test, but it was a good try nonetheless. The question is out of order.

#### SCHOOL HOURS AND SCHOOL SPEED ZONES

**The Hon. COURTNEY HOUSSOS (12:56):** My question without notice is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given her Government's recent announcement to change school start and finish times to ease traffic and congestion, what is her response to

community concerns that her Government will have to extend the 40 kilometre per hour school-zone hours to accommodate the longer school times, resulting in more fines and penalties?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57):** I repeat what I have said in response to multiple questions already asked today in relation to this issue: We are trialling this in a small number of schools. As I said, in some areas where schools already start earlier and finish earlier—let me make this point: There are already schools that do this and they work with the relevant traffic authorities to put in the appropriate school zones. Those are the kinds of things that we will look at as we do this trial. Again, and I cannot say this strongly enough, we want to trial this in a small number of schools. As I have said, some schools will include looking at their start and finish times. Others might keep that 9.00 a.m. to 3.00 p.m. start and finish time but also look at what other school activities we can provide either before or after school. I have said that very clearly in response to questions already today. We will continue to work with our school communities on this trial and all factors that might be relevant to it.

**The Hon. COURTNEY HOUSSOS (12:58):** I ask a supplementary question. Will the Minister elucidate that part of her answer, firstly, where she spoke about the Government's decision to change the school start and finish times and, secondly, the decision around traffic and congestion? What modelling or research was undertaken either in relation to the educational outcomes or with regard to traffic before this decision was taken?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:58):** It is very interesting to be asked so many questions on this issue today. As I said, the Government wants to be innovative and try new things in line with school communities but I am fascinated because a little birdie has told me that some members opposite think this is a pretty good idea. It is interesting to be in this Chamber and hear—

**The Hon. Walt Secord:** Name them.

**The Hon. SARAH MITCHELL:** No, I will not do that.

**The Hon. Rose Jackson:** This is a great idea. I'm not criticising.

**The Hon. SARAH MITCHELL:** Thank you. I think the question was about the type of modelling or work that we have done. As I said in my earlier answer, the purpose of a trial is to see how it will work in the school community. We will be partnering with the Centre for Education Statistics and Evaluation to do that research. Earlier the Hon. Courtney Houssos said that we had made decisions to change school times. We have not done that. We have said that we want to trial it in a certain number of schools, recognising that life-work balance has changed a lot over the past few decades. The idea that a 9.00 a.m. to 3.00 p.m. school day suits every school and every community, in some instances, is a bit antiquated. We have seen that with some schools having already decided to start or finish earlier or have shorter break times in conjunction with their school communities.

This is about doing the trial, getting the research and data, looking at scalability and giving informed advice to other school communities about this issue. As I said, a lot of overseas jurisdictions work in this space—for example, Canada offers a lot of programs after hours. They are also moving into adult education. I genuinely do not understand why those opposite are so afraid to try something new and do a trial to look at what we can do. We want to get the evidence, the database and the modelling to be able to provide more advice to school communities. We think it is a good idea; that is why we are doing it and I know some members opposite agree.

**The Hon. WALT SECORD (13:01):** I ask a second supplementary question. Will the Minister elucidate her answer. Has the Government done any modelling on the additional revenue it will collect by extending the hours for 40 kilometres per hour zones outside schools?

**The Hon. Shayne Mallard:** Point of order: This is a new question, not one based on the Minister's answer.

**The PRESIDENT:** I could not hear the point of order. I ask the member to repeat it.

**The Hon. Shayne Mallard:** I would not think I need to repeat my point of order because this is a new question. It is not relevant to the Minister's answer to the original question and it should be ruled out of order.

**The Hon. Courtney Houssos:** To the point of order: My original question explicitly asked about fines and taxes. The Hon. Walt Secord sought further information around the reason behind it and sought an elucidation. It relates to the original question and it is clearly within the requirements of a second supplementary question.

**The Hon. Sarah Mitchell:** To the point of order: I also put to you, Mr President, that I have made it explicitly clear that this is a trial. The Hon. Walt Secord is talking as if there is already a change to school time zones and fines that would come in place if particular road measures are put in place. This question is very much hypothetical and is not relevant because we are not at a point in time yet with the trial where any of that is in place. I put that the Hon. Walt Secord has asked a hypothetical question.



**The PRESIDENT:** I will not allow the question, which was a restatement of the original question. It is certainly tangential in terms of the response from the Minister and, on balance, I will rule it out of order.

#### STATE BUDGET AND SMALL BUSINESS

**The Hon. LOU AMATO (13:03):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government supporting small businesses to contribute to the economic recovery of New South Wales through the 2021-22 budget?

**The Hon. John Graham:** You made it to the ClubsNSW dinner. Why didn't Victor?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:04):** I did. I went there. In fact, I love it.

**The Hon. Rose Jackson:** You were dancing; it was awesome. You were dancing to Paulini.

**The Hon. DAMIEN TUDEHOPE:** I was dancing. Paulini used to be a client of mine—great lady!

**The PRESIDENT:** The Minister might want to draw himself to the question.

**The Hon. DAMIEN TUDEHOPE:** I thank the Hon. Lou Amato for his question. As he and all members of this Chamber recognise, small businesses are at the forefront of our economic recovery. This budget delivers more opportunities for small business owners to get involved and get ahead. The NSW Small Business Commission will receive \$13 million in additional funding as part of the budget to continue to deliver critical services. That funding will include the delivery of additional mediation staff to support the low-cost resolution of retail and commercial tenancy disputes as well as business-to-business disputes; additional customer service positions to manage calls and web-based inquiries from small businesses and enhanced advocacy; and continuation of a previously funded four-year \$5 million tender support program in partnership with TAFE NSW aimed at helping small businesses improve their tendering skills and win more work from the New South Wales Government and the private sector.

It is a really important program to educate small businesses in being able to tender to the New South Wales Government in line with its procurement policy so that they can get a greater cut of contracts that are available from the Government. That is a really important initiative announced as part of the budget. The Government will introduce a new small business shorter payment terms policy which will require large businesses that win contracts with the Government for goods and services above \$7.5 million—

**The Hon. John Graham:** Haven't you done this already?

**The Hon. DAMIEN TUDEHOPE:** No, it is a different policy. It is the actual tier 1 suppliers to the Government. They, as a term of their contract, will need to have in place provisions where they pay their contractors within 20 business days. The Government will roll out a refreshed small and medium enterprise [SME] and regional procurement policy, which will increase opportunities for SMEs and regional businesses to supply goods and services, especially through a new purchasing exemption for government agencies to go direct to small or regional businesses for contracts up to \$150,000—and that is up from a \$50,000 limit—even where there is a mandatory whole-of-government contract in place.

The budget will continue payroll tax cuts—which may be surprising for those opposite, who want to keep the payroll tax up—which will benefit thousands of New South Wales businesses. The Government has extended the Dine and Discover program by one month. I hope all members have used their Dine and Discover vouchers but if not, they have an extra month to do so. Ongoing funding for Business Connect is also there but do not forget the \$1,500 licence fee rebate that members opposite want to talk down. We are talking up. Get out there and make sure small businesses take advantage of the rebate.

#### FIXATED PERSONS INVESTIGATION UNIT

**Mr JUSTIN FIELD (13:07):** I direct my question without notice to the Minister for Sport, Multiculturalism, Seniors and Veterans, representing the Minister for Police and Emergency Services. How many referrals have been made to the NSW Police Force Fixated Persons Investigation Unit since it was formed in 2017 in relation to concerns or threats against members of the New South Wales Parliament? What criteria are used to determine if a matter relating to a member of Parliament is referred to the Fixated Persons Investigation Unit?

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (13:07):** I thank Mr Justin Field for his question. I am very excited to have the opportunity to answer it and I thank him for his interest in referrals to the NSW Police Force Fixated Persons Investigation Unit, which is a serious matter. I am advised by the police Minister that the NSW Police Force Fixated Persons Investigation Unit was established in 2017. Since that time, the unit has assessed and investigated over 200 persons with over 80 persons charged.

The unit is focused on the detection, intervention and prevention of fixated persons across this State. The unit's work is invaluable. It proactively identifies, targets and monitors potential threats to the safety of public office holders and internationally protected persons. Fixated persons may also be referred to the unit.

I understand that the unit's assessments and investigations may lead to different types of interventions, from search warrants with weapons seized and legal actions through to mental health referrals and disruption of activities. A broad range of fixated people fall under the remit of the unit. It should not be defined narrowly. It was and remains important that a specialised unit was created to assess and investigate persons who may pose a risk to public safety. The use of the Fixated Persons Investigations Unit is an operational decision of the NSW Police Force. It would be inappropriate to comment further.

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

#### *Supplementary Questions for Written Answers*

#### **SCHOOL HOURS TRIAL**

**The Hon. COURTNEY HOUSSOS (13:09):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister elucidate her earlier answer and outline what are the criteria for the trial to change school start and finish times? Will she provide a list of the dozen schools where flexible start and finish times are currently in place?

#### **FIXATED PERSONS INVESTIGATIONS UNIT**

**Mr JUSTIN FIELD (13:10):** My supplementary question for written answer is directed to the Minister representing the Minister for Police and Emergency Services and the Premier. Is the Minister or the Premier informed of any referrals to the Fixated Persons Investigations Unit that relate to members of Parliament?

#### **STAMP DUTY**

**The Hon. MARK LATHAM (13:10):** My supplementary question for written answer is directed to the finance Minister. If the Government is so committed to tax reform, why has it not proceeded with the enormous benefits of stamp duty reform as recommended by the productivity commissioner in this budget? Why is there so much spending in the budget but no financial relief for home owners through stamp duty?

#### *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.

#### **SCHOOL HOURS TRIAL**

**The Hon. COURTNEY HOUSSOS (13:11):** In question time today the Opposition asked a series of questions about the Government's thought bubble about changing school start and finish times. Members on both sides of the House would acknowledge that there is not a more fierce advocate for flexible work than me. I raised it in my inaugural speech, and I consistently raise it in this House. Of course I am supportive. I have even gone so far as to support the Government when it adopted the policy of making all roles flexible for people working within the New South Wales public sector. But serious questions need to be raised about this thought bubble. If it walks like a duck, quacks like a duck and swims like a duck, then it is a duck. This is a thought bubble and nothing more from those opposite.

There might be productivity benefits, but the Government could not point to any concrete modelling today except for a generic productivity report. I trust the shadow Treasurer, who said that he had read the report and that there is no proposal in it to change start and finish times of schools. It goes to a pattern of behaviour from this Treasurer. GST reform was going to be his first signature policy proposal, and then last year it was going to be the land tax policy that they are slowly crab-walking away from. This year's thought bubble announcement was changing start and finish times for schools. The education Minister should evaluate the question when the Treasurer comes up with this thought bubble. She should ask, "Will this improve standards in our schools? Will this improve learning outcomes for students in our schools, which we should be thinking about every minute of every day?"

I will outline just a little brainstorming from our side of the House about the host of issues that might be facing this particular proposal. With the increasing enforcement of the enrolment cap on schools, what happens if the local school takes a decision that does not match with a family's arrangements? Will they be given dispensation to attend a different school? What happens to teachers who are parents if their local school does not adhere with

the school that they are teaching at and those start and finish times do not line up? What is going on with school zones and the collection of fines? Are they going to be extended? What if all of the parents at a school do not agree or if children are attending different schools with different start and finish times?

We have discovered today that it is not a thought bubble as we first thought; it is actually just a re-announcement. This is already operating in a dozen schools. Why does the Centre for Education Statistics and Evaluation not operate and simply evaluate what is going on there? Instead, parents will be subjected to it. [*Time expired.*]

### POKER MACHINES AND PROBLEM GAMBLING

**Ms CATE FAEHRMANN (13:14):** In response to my question about the reliance on increasing tax revenue from poker machines, the Minister for Finance and Small Business responded by saying that The Greens are trying to stop people from having fun and playing poker machines. This is dismissive of the shocking harm that these addictive machines cause and the fact that the Government is relying on increasing revenue from an activity that is destroying lives and wrecking communities. As long as Treasury is predicting increased tax revenue from poker machines, it is predicting increased losses and therefore increased harm from gambling. Tax revenue from poker machines increased by 38 per cent in 2020-21 to \$1.865 billion. The Government is expecting that this will grow to \$2.19 billion by 2024. That is inconsistent with the Government's stated aim of working towards zero harm from gambling.

Before the pandemic hit, people were losing almost \$19 million every single day to the pokies, causing mental health crises, financial hardship, substance abuse, domestic violence, homelessness and even suicide. After restrictions on gambling lifted in June 2020, the pokies industry reported an increase in profits of \$40 million compared with the previous year. An analysis of poker machines in clubs and local council data across the State shows that pokies are far more common in poorer, less educated areas and that the losses per machine are far higher in areas where residents can least afford them. For example, the local government area of Fairfield has an average household loss per year of \$5,668 while the median wage is only \$63,544. I repeat that \$5,668 per household is lost in the local government area of Fairfield every single year to poker machines.

Even worse is the Murray River Council, which shows a shocking loss of \$8,864 per household while the median yearly wage is only \$55,172. Those statistics do not include data from poker machine losses in pubs. Poker machines are not about people going out and having fun; they are deliberately designed to be addictive. This budget ignores the real cost of gambling on our community and reveals once again that this Government has no plan to reduce the incredible damage that poker machines are creating in our communities.

### STATE BUDGET AND SCHOOL INFRASTRUCTURE

**The Hon. WES FANG (13:17):** I take note of the answer that the fantastic education Minister gave to my question today about school funding in the budget. I was pleased to hear about the record school spending that this Government is delivering, particularly the \$2.1 billion to fund new and upgraded schools for the next four years, with \$3.3 billion over six years. The capital spend on the Education cluster is \$8.5 billion. That includes TAFE, skills and schools for the next four years. The budget is contributing to funding 44 projects across 47 schools. Fourteen new projects that were not previously announced have benefitted from the funding and 30 projects that are currently in the planning stages will now be funded. Since 2011 this Government has delivered 172 new and upgraded schools, including 45 new or relocated schools and 127 major school upgrades. The bulk of these—108 of them—have been delivered since 2019. Gregory Hills Primary School will now include modern learning environments, administration areas, school hall and playground.

**The Hon. Mark Buttigieg:** When?

**The Hon. WES FANG:** Construction is expected to start in 2022; thank you very much for the dixer. That is pending no delays with the development application, tendering or site preparation. Early planning works for the new primary school in Gregory Hills were first announced in the 2018-19 State budget. The Government is getting on with the show. I hear the constant negativity about education from members opposite. Were they criticising our capital spend? No. Were they criticising the fantastic deliveries that the Minister is overseeing? No. What are they criticising? They are criticising a program that the Minister is looking to trial, and the criticism is "Have you thought of this; have you done that; have you provided for this?"

The reality is that it is a trial. This is what the Government does. We see if ideas work. If they do, we evaluate them further and roll them out, and if they do not then we go back to the drawing board. That is how we on this side of the House operate. We use evidence. We are not afraid to try new things. We are not afraid to not be beholden to the unions. We are not afraid to give things a go. Why? Because we are Nats and Libs. We on this side of the House give things a go. We are on the side that gets things done. You can see the way that we get things done by the budget, and we will continue to do that because the people of New South Wales need us.

### SCHOOL HOURS TRIAL

**The Hon. ANTHONY D'ADAM (13:20):** I take note of the answer provided by the Deputy Leader of the Government and Minister for Education and Early Childhood Learning on the question of changes to school hours. I have to concur with my colleague the Hon. Courtney Houssos. This really is a thought bubble from Treasury, which clearly is taking the asset management framework to the next degree. They think schools are just lazy assets. They think they are running a factory in the education system. Obviously, the assets are not working hard enough, so what you need to do is put on a second shift. That is the approach that is being taken here. It is a harebrained idea. There is an old saying that you should keep Treasury advice on tap, but Treasury should not be on top. That is very sound advice that the Government should take on board.

This is a clear example of Treasury mission creep. It really makes you wonder who is running education policy in this State. Is it the education Minister, or is it Treasury and the Productivity Commission? Clearly, the Treasurer has made an assessment that the Minister and the education department are not doing a great job and he needs to step in and take control of education policy. That is exactly what is happening here. What about the impact on parents? I know the Treasurer makes the lunches, but he clearly does not do the pick-up and drop-off. If he did, he would understand that it is pretty hard to get kids out of bed for a 7.00 a.m. start on a school day.

I battle every day to get my kids out of bed, and they start at the normal time. Getting them up in time to start school at 7.00 a.m. is a ridiculous proposal. And what about finishing at 1.45 p.m.? Who is going to pick up the kids in the middle of the day? It is ridiculous. Does this guy live in the real world? This is the most out-of-touch proposal that has come out of this Government in a very long time—dumb, dumb, dumb! This Government needs to listen to educators about setting education policy and leave Treasury to manage the money.

### FIXATED PERSONS INVESTIGATIONS UNIT

**Mr JUSTIN FIELD (13:23):** I take note of the answer to my question regarding the operations of the Fixated Persons Investigations Unit in New South Wales. I have not heard a single person in this place or in public commentary be critical of the fact that the Fixated Persons Investigations Unit exists, nor of the fact that it should have powers and flexibility to consider appropriate actions, including referrals to mental health support and charges. No-one questions that. The Minister has indicated that 200 investigations have taken place and 80 charges have been laid in the four years since it was established. That shows it has a role, but this place has a responsibility to ask questions about how the unit operates and where the lines should be drawn around how it operates. This is fundamentally a question of free speech.

It has become clear that the Fixated Persons Investigations Unit was intending to arrest Jordan Shanks, the presenter of the Friendlyjordies YouTube channel, under similar complaints until the involvement of his lawyers. Just hours after what appears on video—the video evidence that has now been widely circulated—to have been a relatively innocuous incident out the back of Parliament House, Kristo Langker was arrested at his home and that resulted in a physical altercation between him and his family and the police. His lawyers have been highly critical of the basis of the charges and highly critical of the bail conditions, describing them as unprecedented, and I raised that in the House yesterday. He cannot be in possession of a caricature of the Deputy Premier and cannot criticise his appearance, which seems highly unusual. When a political critic of the Government is arrested by the police—

**The PRESIDENT:** Order! Government members will restrain themselves.

**Mr JUSTIN FIELD:** —people, including members of Parliament, are right to ask questions about the circumstances. The real test of a person's support for the principle of freedom of speech is to ask if they support the right of someone to say something that they do not agree with. That is the real test of whether or not they agree with the principle of freedom of speech. Look what is happening here. We see members of the National Party, in defence of the Deputy Premier, going after what has been said rather than the principle of freedom of speech and the fact that a political critic of the Government has been arrested by the police. I am not making a judgement in this case—that is for the courts—but we should all be concerned about the decisions here, the roles of members of the Executive Government and the knowledge that they have.

### STATE BUDGET AND SMALL BUSINESS

**The Hon. LOU AMATO (13:26):** I take note of the answer given by the Minister for Finance and Small Business to the question about how the New South Wales Government is supporting small businesses to contribute to the economic recovery of New South Wales through the 2021-22 budget. To run a small business at any time requires initiative, hard work, creativity and commitment. I certainly attest to that, having owned a small business for many years. However, to do so during a global pandemic would be even more demanding.

One critical element of success in small business is getting timely, informed, expert advice and encouragement at the right time. The funding included in this budget of \$39.3 million over four years for Business

Connect is very welcome, as is the \$13 million in funding for 2021-22 to help the Small Business Commission meet the needs of small businesses across New South Wales for advice, advocacy and mediation. I understand that of all matters filed with the commission for mediation, 90 per cent are settled without recourse to a tribunal or court.

The Minister also informed the House of three significant developments in the New South Wales Government's procurement policies that will benefit small businesses, including regional small businesses across New South Wales. In partnership with TAFE, the Small Business Commission will deliver a focused training package to equip small businesses to tender to New South Wales government agencies. Their opportunities to do so successfully will be increased with the refreshed *Small and Medium Enterprise and Regional Procurement Policy*. The new requirement for large suppliers to the New South Wales Government to pay their small business subcontractors within 20 days is most welcome. As Justice Heydon observed—and as the shadow Treasurer will recall—"Cash flow is the life of business, particularly of small businesses." They should be paid on time and this policy will be a great help to ensure that this takes place.

### EUROBODALLA HOSPITAL REDEVELOPMENT

**The Hon. PETER PRIMROSE (13:28):** I take note of answers to questions on notice Nos 6079 to 6081, which were to various Ministers, about the \$200 million Eurobodalla hospital redevelopment in Moruya, and specifically about job numbers for this project. The Eurobodalla hospital redevelopment is critically important to those who live on the South Coast, from both a health perspective and a jobs perspective. What was the answer that I received? The health Minister again said that the Government is investing \$10.7 billion over four years into the jobs pipeline. Maybe that was a slip of the tongue or a slip of a decimal point, but I have no idea who is proofing his answers before he provides them. How could he get the figure wrong by a factor of 10 again? The official Government figure is \$107.1 billion; it is not \$10.7 billion. I urge Ministers to take more care when answering questions.

The Minister also stated that NSW Health uses the NSW Treasury employment calculator to calculate job numbers but he did not provide any information regarding how that calculation is done or what factors were used in it. Minister Ayres, the so-called jobs Minister, merely rehashes the tired spin of mystical jobs numbers that are supposed to have been created—or is it supported?—without indicating how he came to his conclusion. He appears to have no idea how the job numbers are calculated or about the tools that are used to do the work.

Last year in estimates I asked Minister Ayres how the job numbers were calculated, what the figures were and how the jobs calculator worked. He was unable to answer those questions. This year I look forward to estimates and I alert the Minister that I will ask him exactly the same questions again. Instead of answering my questions, the Minister Ayres passed the buck and said that he would refer them to the appropriate Minister. However, he did not say who that Minister was. I assumed that the jobs Minister would be able to talk about jobs, but apparently he was not. In all of his answers he referred me to public information and the budget papers, but nowhere are there any jobs figures. There are certainly no figures to do with the number of jobs created in New South Wales compared with elsewhere in Australia over a certain period. The public documents and the budget information also show that the Eurobodalla redevelopment is already underspent by more than \$6 million out of the \$10 million that was allocated to it in the 2021 budget year.

### STATE BUDGET AND YOUTH MENTAL HEALTH

**The Hon. SHAYNE MALLARD (13:32):** I make a brief contribution to take note of the answer given by the amazing mental health Minister, the Hon. Bronnie Taylor, to the question asked by the Hon. Catherine Cusack regarding the State budget and investment into the mental health of young people. In her answer the Minister spoke with passion for that area of Government policy. Exclamations of "Hear, hear!" were heard around the Chamber from all sides. Generally speaking, there is a unified view in the Chamber that investment in youth mental health is long overdue and very welcome in the community. I congratulate the Minister on the Safeguards mental health response teams. I am pleased to hear that 25 teams will be placed across the State, with at least one in every local health district over the next four years. The teams are the game changer that clinicians, families and communities have been calling for, and Minister Taylor has been working tirelessly towards their creation since she became Minister. They will be critical in helping young people manage their distress and facilitate access to appropriate support for them and their families.

All members will know of young people in our communities who struggle in silence with mental health issues due to medical issues, bullying or other things that cause depression. All members will support the investment in the Safeguards teams, which will help families and carers navigate what can be a daunting system through peer support and child psychologists available 24/7. The teams are designed to make life better for children and their families, from the 14-year-old Turrumurra High student who experienced a psychotic episode and was detained for a day by police to the young man from Hornsby whose loved ones have been praying for a

clear diagnosis and treatment plan. Those are two examples, but there are many more. I congratulate the Minister on committing the largest ever single investment into child and adolescent mental health in the State's history. That is not just a glib statement; it is a really important fact. That investment will proactively support the mental health of young people across the State.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SAM FARRAWAY (13:34):** I make a contribution to debate on some of the answers that were given by Ministers during questions without notice. Obviously it is budget week, and there were some fantastic answers given by Ministers to questions. I particularly acknowledge my colleague the Hon. Sarah Mitchell's answers to questions around the school infrastructure budget announcement. In one of her answers she highlighted 44 projects across 47 schools. That is quite a significant announcement. Including the 14 new projects that had not previously been announced, the Government has now delivered 108 projects since 2019.

As part of one of the funding announcements, tens of millions of dollars will go to Wee Waa High School in the north-west of the State. I had a bit to do with that decision and I have been meeting with the community for nine months regarding some of the ongoing issues that they have had with the school. I commend the Minister and the Treasurer for taking action to ensure that the appropriate amount of money was allocated in the budget to build a new school for the Wee Waa community. The Minister also highlighted that since 2011 the Government has delivered 172 new or upgraded schools. That is a fantastic result. The infrastructure investment for the education of the next generation should be applauded.

As a small business owner, I take note of the answers given by the Minister for Finance and Small Business, the Hon. Damien Tudehope, regarding support of small businesses and the economic recovery in the budget. As highlighted by my colleague the Hon. Lou Amato, who is a small business owner, to run a small business requires passion, motivation, initiative, persistence, creativity and, most of all, a lot of commitment. As someone who has been in Parliament and not in business during the pandemic, I can only imagine how much commitment was needed to operate any type of business. All those who operate small businesses in New South Wales should be congratulated.

One of the highlights of the budget was the \$39.3 million over four years for the Business Connect program. I have spoken before about Business Connect in the House. It is fantastic to see that continued funding for the likes of Bruce Reynolds from Central West Business Connect based in Orange, which does a fantastic job. The Minister also highlighted the \$13 million of investment for the Small Business Commission to help small businesses. It is fantastic to see small business and education as centrepieces in the budget.

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

**Motion agreed to.**

### *Written Answers to Supplementary Questions*

### STATE BUDGET AND SCHOOL INFRASTRUCTURE

In reply to **the Hon. COURTNEY HOUSSOS** (22 June 2021).

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

As outlined in 2021-2022 NSW Budget Paper 3 – Infrastructure Statement Chapter 5, page 16 in note (c):

"Start and completion dates will be confirmed once a delivery schedule has been finalised."

The progress of new and upgraded school projects will continue to be shared with school communities as they become available and made available on the School Infrastructure NSW website.

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

### *Private Members' Statements*

### REGIONAL REPRODUCTIVE HEALTH CLINICS

**The Hon. PENNY SHARPE (15:00):** Monday last week was the third anniversary of the legalisation establishing safe access zones around reproductive health clinics in New South Wales. In coming months we will approach two years since the decriminalisation of abortion in this State. Both of those historic legislative reforms have had the same objective: to make abortion available to those who need and want to have one in New South Wales. Despite the collective sigh of relief that I shared with countless others who had campaigned for decades for decriminalisation in New South Wales, I feel we have not yet fulfilled that objective.

In New South Wales abortion is still not accessible to everyone who needs and wants to have one. Abortions are generally provided in private clinics. Despite many private providers trying to provide discounted services to women who cannot afford a procedure, there are only so many financial losses that providers can cover. How many other essential medical procedures have little to no bulk-bill option available to them, forcing patients into a limited and often costly system? Most clinics that provide abortion in New South Wales are based in Sydney. There is very little choice between abortion providers in regional centres. Sadly, Newcastle will lose one of their two currently available choices when Marie Stopes closes its doors because of a lack of funding.

Women in rural areas of New South Wales generally are faced with no choice but to travel long distances to seek a termination. Long distances can be difficult to travel at such a vulnerable time. It can be nearly impossible to do so when a woman also has young children, or a job, or other caring responsibilities, or is experiencing family or domestic violence or abuse. Long travel and accommodation can also become very expensive and isolating. The expense of abortion is another major barrier when seeking abortion in New South Wales. An analysis by *The Guardian Australia* found that New South Wales is one of the most expensive places in Australia in which to seek a termination, with medical procedures costing upwards of \$290 and early-term surgical abortions costing more than \$400. For some women the cost is over \$700. For those who do not have access to Medicare, the cost escalates much further.

Decriminalising abortion was a hard-won and crucial step for New South Wales in protecting the reproductive choices of women and pregnant people. However, the objective to preserve their reproductive choice is not met unless and until abortion is accessible to everyone who needs one. To achieve that, we need direct funding to cover the gap, to establish service provision in public hospitals and to educate GPs across the State. I urge the New South Wales Government to take urgent action to resolve this issue for the many women and pregnant people across New South Wales who deserve to have their reproductive choices respected and protected.

#### ISRAEL FOLAU

#### HUNTER REGION COALMINING

**The Hon. MARK LATHAM (15:03):** Shamefully, in an act of religious discrimination, the National Rugby League [NRL] has banned Israel Folau for paraphrasing the *Bible*. Peter V'landys cited his own multicultural background in the Illawarra for this decision. Of course, Folau is the epitome of multiculturalism, having grown up in Minto in an Islander community that found God and their Christian faith in a way that helped them to avoid many of the problems evident in other Campbelltown public housing estates in the 1990s. The NRL has allowed convicted drug dealers, wife bashers and police thumpers back into the game, but not the Christian Folau. Who else has Peter V'landys welcomed into the New South Wales sports in his role as one of our leading administrators?

At Racing NSW there is a character test for participants. Under V'landys, Sheikh Mohammed, who is the billionaire ruler of Dubai, is the biggest player as the head of the enormous Darley and Godolphin empire. How does Sheikh Mohammed measure up on character? Last year the United Kingdom High Court found that he had committed acts of family violence, abduction, torture and intimidation against his former wife, Princess Haya, who fled to London with their two children. The court also found that Sheikh Mohammed had been responsible for the abduction and forced return of two of his daughters from another marriage. Clearly, the man is not a fit and proper person to participate in State-approved and funded sport in New South Wales. But his enormous wealth and influence as the owner and head of the Darley-Godolphin empire has made him a protected species. He continues to participate, win races, and do whatever he likes in the racing industry.

I have raised the Sheikh Mohammed atrocities with several Ministers, but none seems to care. Even at the recent Scone Cup during the Upper Hunter by-election, the Premier was happy to appear on stage with Darley-Godolphin representatives on a Darley-Godolphin sponsored race day. Where are the domestic violence spokespeople on this issue? I hope they are listening now. So, for Peter V'landys as the head of Racing NSW, family violence perpetrators like Sheikh Mohammed are fine and free to participate, but at the NRL the Christian Folau is out—seemingly indefinitely. What else can we say and make of Sheikh Mohammed's ethics? He has made his enormous fortune from the extraction of a fossil fuel—oil—in the Middle East. Everything about the Darley-Godolphin empire, including its horse studs in the Hunter Valley, has been funded by oil; and yet Darley-Godolphin has run the strongest possible campaign against every application for a different fossil fuel extraction in the Hunter coalmines, and coalmining applications. The hypocrisy is breathtaking.

In answer to my question on notice on 29 April, the Minister for Planning and Public Spaces listed 12 coalmine applications to which Darley-Godolphin and its team of expensive lawyers lodged very strong objections. Coal was in the Hunter first. Coal is no less important a mining resource than oil. Sheikh Mohammed is a disgraceful, hypocritical and dangerous individual who should, by any standard, have no place in the sporting codes and public life of New South Wales.

### YANCO AGRICULTURAL HIGH SCHOOL

**The Hon. WES FANG (15:06):** The nearly 100-year-old Yanco Agricultural High School, in a landmark announcement by the New South Wales Government, is set to have its aging student accommodation upgraded. Last year, at my invitation, the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, and I visited the Yanco Agricultural High School to see firsthand the state of the boarding facilities. We met with student leaders, teachers, P&C representatives and staff. The Minister and I agreed on the need for an upgrade to the student accommodation and committed to starting the planning process.

Following this process, The Nationals in Government have delivered on our promise. As part of the 2021-22 budget, we have initially allocated over \$1 million to start the development of the upgraded boarding facilities. The school, which will celebrate its 100th anniversary in 2022, has a key role in attracting and retaining regional and rural students, particularly females, to the agriculture industry. I want our public boarding students to benefit from the best facilities possible and these upgrades will encourage more students to live and learn in regional New South Wales.

Yanco Ag is one of four public specialist agricultural high schools in the State, and the only rural school that offers boarding places to female students. With this funding commitment, the future of Yanco Ag is secure for many years to come. I take this opportunity to thank the student leadership, Principal Gary Hunt and especially the P&C Association for their advocacy on this issue. They have all engaged with the Minister and me in a meaningful and constructive way. Together we have been able to deliver a strong outcome for Yanco Ag.

### MYALL CREEK MASSACRE

**The Hon. WALT SECORD (15:08):** I have been a long-time advocate for commemoration of the Myall Creek massacre at Bingara. Over the last 10 years I have spoken about the massacre in this Chamber many times. For members who are not aware, this tragic event occurred on 10 June 1838. On that day, a group of stockmen, led by a squatter, rode into Myall Creek Station and murdered 28 unarmed Aboriginal men, women and children. Murders like this were not unique at the time. Many similar murders of First Australians passed without attention or interest of police or other authorities.

What would become unique about Myall Creek was that for the first time Europeans would be prosecuted for perpetuating such atrocities. Eleven of the 12 involved were charged with murder. Initially, they were found not guilty. Seven were rearrested and tried again. This time, they were found guilty and hanged for their crimes on 18 December 1838. At the time this sparked controversy throughout the colony. For the avoidance of doubt, I stress that the controversy was only that Europeans had been hanged for taking the lives of Aboriginal people. Perhaps my particular interest in Myall Creek is that, while it is one of many such massacres, it does at least offer a moment when—at least somewhere in New South Wales—a sense of the horrific wrong being perpetrated on Aboriginal Australians started to dawn on some in the colony. The justice was imperfect. The reaction was predictably reactionary. But at least an attempt at justice by the then Attorney-General John Plunkett was made by the standards of the day. Clearly, he was a person well ahead of his time.

On 13 June I attended the annual commemoration of this horrific event. It was my third official visit to the commemoration, and in 2017 I had the honour of being a speaker. Several State parliamentarians attended this year's ceremony, including shadow Minister for Aboriginal Affairs David Harris and local MP and agriculture Minister Adam Marshall. The ceremony included the unveiling of the Myall Creek stage two precinct plan, funded by Create NSW's Regional Cultural Fund. One day I hope to see a Myall Creek massacre memorial education and cultural centre at the site. In the spirit of bipartisanship, I acknowledge Mr Marshall's support for the project and his efforts in the area of reconciliation. I have heard him speak on the subject and it is heartfelt. We both agree that we must face our nation's brutal history and particularly acknowledge our past.

Among the other participants at this year's ceremony was Sydney's Emanuel Synagogue chief minister Rabbi Jeffrey Kamins. For the record, I attend the Emanuel Synagogue. Rabbi Kamins has been active in reconciliation and truth telling. Over recent years he has hosted a number of events at the synagogue, including sessions of the Uluru Statement from the Heart and treaty. Friends of Myall Creek co-chair Keith Munro publicly acknowledged the rabbi's attendance at the event and the historic connection between the two leaders is clear. Both know that, as is the case with all genocides and attempted genocides, it is only through an open confrontation with our past that we may hope to avoid a repeat of atrocities in the future. With that in mind, I encourage all honourable members to visit Myall Creek. As public representatives, we each have a role to play in preserving the history and memory of Myall Creek. I thank the House for its consideration.

### STATE BUDGET

**Reverend the Hon. FRED NILE (15:11):** This is my reply to the budget. The Government has done an amazing job with the State's finances. To reduce our deficit during a pandemic is an impressive feat and, to quote



the Prime Minister, "miraculous". This is not a mean budget. This is a pro-family, pro-jobs and pro-future budget. Healthy and prosperous families are the cornerstone of our society. We are pleased to note that the Government has introduced a \$100 water babies swim-safe voucher for preschoolers, introduced financial literacy in schools, extended the \$250 regional seniors transport card and funded two days of free preschool per week. The 15 hours of free preschool that was introduced during last year's budget has been retained, thankfully. That is the right move for working families and mothers in particular. As a first for New South Wales, this budget recognises a very important issue and that is losing an unborn child to miscarriage or stillbirth. The Treasurer, the Hon. Dominic Perrottet, said today:

More than 100,000 women suffer miscarriage in Australia every year. If they need time off work, they have to access sick leave or holiday leave. This is not acceptable. Having a miscarriage is not an illness – it's a loss that should be recognised. As the largest employer in the State, the NSW Government will, for the first time, offer 5 days of leave for women who suffer a miscarriage or stillbirth.

It is the right move by the Treasurer to recognise the pain that mothers endure in these terrible times by providing them a paid week off work to mourn their lost child with their family. We applaud that recognition and recommend the program be granted to all working mothers. Domestic violence is an evil that many families have had to suffer, and that is why the State Government has provided an additional \$60 million in funding for frontline services. An additional investment has been made towards Staying Home Leaving Violence, a program of vital importance that assists victims of domestic violence with staying in their homes. Businesses of all shapes and sizes did it rough during the worst of the COVID-19 pandemic. Many went under and jobs were lost. However, remarkably the Berejiklian Government has not only restored the jobs lost during these trying times— [*Time expired.*]

### STATE ECONOMY

**The Hon. LOU AMATO (15:15):** New South Wales has undoubtedly faced its biggest challenges in living memory. The drought decimated agricultural output and placed insurmountable pressures on farmers. Rural communities struggled. We watched our dam levels fall and endured ever-increasing water restrictions. Many dams in remote communities ran dry, and lifesaving water had to be shipped in via road transport. Livestock perished due to lack of feed. Still the rains did not come, and as we approached the summer of 2019 our fears grew of the possibility of raging wildfires. When the fires came, huge tracts of wilderness were destroyed. Over a billion native animals were decimated in the raging inferno that destroyed property and, sadly, took the lives of many.

Even before we could come to terms with the unprecedented destruction of our State, evidence emerged of a new deadly disease which was travelling across the globe. COVID-19 threw the world into chaos and our economy was sent into a downward spiral. The people of New South Wales went into isolation as the New South Wales Government mobilised to halt the spread of the virus. The world faced a new pandemic and an uncertain future. Yet in all this we as a people have remained resilient and our strength has not diminished. Thanks to the work of the Treasurer, Dominic Perrottet, our economy has not only survived but also thrived and is recovering at a rate that has exceeded all expectations.

There is no doubt that small business is the driving force behind our recovery from the economic downturn of COVID-19. To date, the New South Wales Government's stimulus measures for small business has included more than 52,000 COVID-affected small businesses assisted through the Small Business Support Grants program; more than 36,000 Small Business Recovery Grants to support businesses to reopen and scale up operations; more than 2,200 small businesses supported through the Small Business Southern Border Grants program to assist businesses affected by the closure of the New South Wales Victorian border; more than 4.4 million people registered for the Dine & Discover program and over \$441 million in vouchers issued; a temporary two-year reduction in the payroll tax rate estimated to provide New South Wales businesses with around \$2.1 billion in savings; and a permanent increase in the payroll tax threshold to \$1.2 million, which is expected to save businesses a further \$744 million over four years from 2020-21 to 2023-24.

### RICHMOND BRIDGE DUPLICATION PROJECT

**The Hon. PETER PRIMROSE (15:18):** I read from correspondence from the Federal member for Macquarie, Ms Susan Templeman, MP, to Minister Andrew Constance. Ms Templeman is committed to a bridge route at Richmond that improves the traffic problems for residents with the least negative impact on people's lives and homes. The letter states:

Dear Minister Constance

I write to raise serious concerns about the public information sessions being offered to the Hawkesbury community to find information about and give feedback on the Richmond Bridge duplication project.

After detailing problems at the first public information session, Ms Templeman goes on to say:

I want to commend the efforts of the staff to try and accommodate the large crowd, however it is a real failure of planning not to have anticipated this. Had I been consulted or briefed at any time by the RMS, as I have requested, I would have been able to warn of the high level of interest. I am surprised the State MP did not provide similar insight.

The route that has been chosen by the RMS/NSW Government is hugely problematic and does not reflect the preferences discussed within the Stakeholder Consultation group nor with feedback I provided from a survey in late 2019.

It is disappointing that prior to additional funds being made available, I understand that investigations into the Southern Bypass option were abandoned due to the projected costs of the project. Now that additional funds are available, residents understandably would like to see the comparison, to ensure that the BEST option is being chosen. I am very keen to see a duplication occur, as I have lobbied for this for more than a decade. However, if you want community support for an option I would strongly urge you to do the following:

- Arrange a full, face-to-face Q&A session in a venue with sufficient seating for people. There are many venues that would be fit for purpose, including the Hawkesbury Showground halls.
- Extend the deadline for feedback beyond 5 July 2021.
- Meet with each of the most affected communities, to discuss in detail their concerns, including residents of Norfolk Place North Richmond, the Lowlands and South Rd Hobartville and Inalls Lane Richmond.
- Meet separately with retailers in Richmond and North Richmond for detailed discussion and feedback.
- Provide me with a detailed briefing.

There is one more public information session scheduled for Saturday and then a one hour Zoom meeting. These will not be sufficient.

Regards,

Susan Templeman

I urge Minister Constance to respond positively to Ms Templeman's reasonable request to ensure the public of the Hawkesbury is adequately and appropriately consulted about this important project.

### GREYHOUND RACING INDUSTRY

**The Hon. MARK PEARSON (15:20):** Yesterday in *The Sydney Morning Herald* Peter FitzSimons penned a powerful and menacing synopsis that stated:

In the history of NSW has there ever been such a craven collapse to a powerful lobby group, with a government going from good policy to bad policy in a heartbeat, all while holding its nose and averting its eyes from the disaster before it?

In 2015 a devastating *Four Corners* report highlighted the use of live baiting and the shocking fate of dogs when they slowed down. Premier Mike Baird appointed the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, which delivered the McHugh report. Baird announced:

In response to widespread illegal and unconscionable activity, including the slaughtering of tens of thousands of dogs, I can today announce that NSW is putting an end to greyhound racing.

That would bring New South Wales into line with most of the world, where civilisation has caught up with the bizarrely cruel practice of racing dogs. But here in New South Wales there was enormous backlash to Baird's proposal, pushed hard by Deputy Premier John Barilaro and disgracefully supported by NSW Labor. Within three months, Baird pulled back from shutting it down. A year later, his successor, Gladys Berejiklian, announced her Government was suddenly committing half a million dollars from the public purse to help fund the world's richest greyhound race—the Million Dollar Chase at Wentworth Park.

The New South Wales Government has just announced a new funding model. The Minister for Better Regulation and Innovation said this was in order to free up \$25 million, which can be reinvested in facilities and prize money to secure the future of the industry. It completes the near wipe-out of all major welfare recommendations from the McHugh and Greyhound Industry Reform Panel reports. From wanting to shut it down, the New South Wales Government now wants to secure its future and has put well over \$50 million towards it when one includes the regional grants. That is \$50 million to dog racing. The Coalition for the Protection of Greyhounds reports that between 1 January and 12 June this year 1,370 greyhounds were injured while racing, compared to 1,229 for the same period last year, while the number of deaths also rose. There is no integrity in any of this. Greyhound racing in this State must come to an end and will, just as it has done in most of the rest of the world.

### RURAL AND REGIONAL HEALTH SERVICES

**The Hon. TARA MORIARTY (15:24):** Rural and regional communities are being let down by this Government. That is proven by evidence coming out of the parliamentary inquiry into rural health in New South Wales, which is chaired by the Hon. Greg Donnelly. I do not seek to interfere in the workings of the committee and the inquiries that are underway, but it is important to pay close attention to the evidence heard in the inquiry. It is still running so we will wait to see the findings. But the Government should not wait to start taking action on some evidence heard throughout the hearings conducted to date.

Throughout the course of the hearings we have heard horror stories from those at the front line of the health system in regional and rural New South Wales. We have heard stories of doctors using operating theatres to store medical supplies, rather than for their intended purpose, because they lack the staff to perform critical operations. We have heard from doctors in the Warrumbungle shire, a community of more than 9,000 people, who regularly run out of antibiotics and find staff working with second-grade medical instruments.

**The Hon. Wes Fang:** That is not what they said.

**The Hon. TARA MORIARTY:** Shut up, Wes. The inquiry revealed that sick patients in Gunnedah have to wait 2½ hours simply to fill a script, due to GP shortages in the area. The inquiry reported that the Manning Base Hospital, which services almost 10,000 people, was relying on cleaners to look after dementia patients because of a shortage of support staff. Those stories are just some of the hundreds submitted to the inquiry, with doctors, nurses and community members lining up to tell their stories. They demonstrate a clear divide in the health care afforded to people in rural and regional New South Wales compared to what is available to those who live in major cities. The lack of access to quality care means people in rural and regional communities suffer higher levels of disease and injury and live shorter lives compared to those in major cities.

The persisting disadvantage can all be put down to one thing: a government that does not care enough about supporting our regions. It is a problem left in the too-hard basket for this Government and, as a result, rural and regional communities are suffering. Our health professionals do an amazing job under difficult circumstances. They go above and beyond to care for people at their most vulnerable point. What they put up with from this Government is devastating. There is a health crisis across rural and regional New South Wales. The stories we heard from the inquiry should be a wake-up call to the New South Wales Government. It cannot leave regional communities out in the cold. People in the regions deserve better than this. Where one lives should not determine the quality of the health care that one receives. It is time the Government steps up and makes the rural health inquiry a priority for the sake of the staff and the community as a whole. I encourage The Nationals members to do what they are supposed to do and get more involved in taking care of those people.

**The PRESIDENT:** I call the Hon. Wes Fang to order for the first time for incessant interjections.

#### STATE BUDGET AND ELECTRIC VEHICLES

**The Hon. ROD ROBERTS (15:27):** The Government's budget for 2021 includes \$489.5 million to be spent over the next four years to encourage the take-up of electric vehicles in New South Wales. The Government is effectively using taxpayers' money to subsidise the electric vehicle industry to encourage the uptake of electric vehicles in New South Wales. That is despite electric car sales in 2020 accounting for just 0.7 per cent of the total of Australian car sales. Taxpayers will fork out \$200 million of the \$489.5 million for motor vehicle duty exemptions for eligible new and used zero- and low-emission vehicles. From 1 September 2021 taxpayers will also be slugged a further \$75 million to pay for a total of 25,000 rebates of \$3,000 each for battery electric vehicles and fuel cell electric vehicles sold for less than \$68,750.

Electric vehicles are not cheap. The cheapest electric car currently on sale in Australia is priced from \$44,000. There are a few options in the \$50,000 to \$65,000 price range. The most popular electric car sold locally starts from \$70,000. All of these are out of reach for most buyers. The average cost of all new cars sold in New South Wales in 2020 was \$38,665. Why should a battler from the western suburbs, working their guts out to pay the bills each week, have their tax dollars subsidising the rich?

Why do they have to subsidise vehicles that are simply out of reach for the majority of people? What about the thousands of people living in rural New South Wales? Electric vehicles are suitable for running around Sydney, but what about people living in the bush where electric vehicles are simply not practical at this stage? This policy shows yet again that this Government has its gaze firmly fixed on the inner suburbs of Sydney. It is simply unable to think about anything beyond the Pyrmont Bridge. This is a classic case of a reverse Robin Hood—taking from the poor to give to the rich.

#### *Documents*

#### MONARO FARMING SYSTEMS

#### Production of Documents: Further Order

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

That private members' business item No. 1271 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (15:30):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Deputy Premier, the Department of Premier and Cabinet or Regional NSW relating to Monaro Farming Systems:

- (a) all documents relating to the order of the House of Wednesday 17 March 2021, including the amendment to the order of Wednesday 5 May 2021, and the production of documents regarding Monaro Farming Systems;
- (b) all documents, including instructions for advice and legal or other advice, relating to the scope or validity of, or compliance with, the order of the House of Wednesday 17 March 2021, including the amendment to the order of Wednesday 5 May 2021, and the production of documents regarding Monaro Farming Systems;
- (c) all documents, including legal or other advice, relied on to determine compliance with the order of the House of Wednesday 17 March 2021, including the amendment to the order of Wednesday 5 May 2021, regarding Monaro Farming Systems, including but not limited to the non-production of any document in response to paragraph (j) of the amended order which required the production of probity reports; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The further order for papers essentially arises from that last paragraph, and we do this with every Standing Order 52 motion. The legal advice was not provided in the two previous calls for papers under Standing Order 52. The motion is not pursuing any new documents; it is pursuing the legal advice that should have been provided as a part of the original two motions. I note from the last sitting week that a similar motion was put forward by Mr David Shoebridge. It appears that the legal advice not being provided as per the motion before the Chamber is something that is starting to occur. The motion is seeking the legal advice as requested in those two calls for papers that were in accordance with paragraph (d) in the Standing Order 52 request.

**The Hon. SAM FARRAWAY (15:33):** The Government will be opposing the motion. The Government complied with the order to the House on 17 March 2021. Subsequent searches were performed when the amendment to the order was made on 5 May 2021. We are now being asked to perform a third search. With respect to the process of the application for funding, many of the honourable member's questions were already extensively answered in budget estimates. The member will have an additional opportunity to ask questions at the upcoming budget estimates in August.

Monaro Farming Systems has had a longstanding partnership with numerous groups including Meat & Livestock Australia, Landcare, Tablelands Farming Systems, the CSIRO and Local Land Services and has received support from State and Federal governments in its 14 years. Further, many government agencies are empowered to engage with the community on a daily basis and at times expand small levels of public funding to support community initiatives. Monaro Farming Systems was established in 2007 and seeks to do exactly that. We encourage many businesses around this State to take action in their local communities, to work together and to develop and deliver programs in joint partnership.

**The Hon. MICK VEITCH (15:34):** In reply: I acknowledge the contribution from the newly minted Parliamentary Secretary, but I think he may have missed what the motion is about, which is the legal advice. It is not seeking another tranche of documents. It is seeking the legal advice for the previous two Standing Order 52 motions that were adopted by this House. In this motion it is paragraph (d). I will read it again:

- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

That is what the Opposition is seeking here.

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

**Motion agreed to.**

#### *Business of the House*

### **POSTPONEMENT OF BUSINESS**

**The Hon. SHAYNE MALLARD:** On behalf of the Hon. Ben Franklin: I move:

That private members' business item No. 1280 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.**

#### *Committees*

### **PUBLIC ACCOUNTABILITY COMMITTEE**

#### **Reference**

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

That private members' business item No. 1265 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (15:36):** I move:

That the Public Accountability Committee inquire into and report on the Transport Asset Holding Entity, including:

- (a) its establishment and operation; and
- (b) any other related matter.

It is fitting that we seek to initiate an inquiry into the Transport Asset Holding Entity [TAHE] in budget week. The story of the Transport Asset Holding Entity is one that has been intimately entwined with the State budgets for the past six years. That is the controversy. At the heart of the matter is the question of whether or not the budget papers that the State has acted on in the past six years can be believed. Lest any member forget what exactly is the controversy about the Transport Asset Holding Entity, let me make it clear.

As a result of reporting by *The Sydney Morning Herald* and others and after a long pursuit by the Labor Opposition, now stretching for six years since the inception of this entity, it has come to light that the Transport Asset Holding Entity has all the appearances of a sham. It is an accounting trick that has been perpetuated on the people of New South Wales for more than six years, designed to artificially hide costs to show a budget surplus that has risked public safety by jeopardising the chain of command at the department of transport, Transport for NSW and its successor agencies. As a result, the stakes are high.

If we cannot believe the integrity of the budget papers, then we cannot believe a word the Government says. The people of New South Wales expect the budget papers to accurately reflect the finances of the State. When this conservative Government invents artificial entities to hide the cost of depreciation, to hide the cost of debt and to offload assets off book, then we cannot believe a word it has to say about how it is managing the State's finances. Equally as troubling as the allegations about the Transport Asset Holding Entity is the whiff of a cover-up that has emerged, especially in the past 12 months. It is clear that the highest levels of this Government have known that this stinks.

Just a month ago the first report from KPMG came to light. The report makes clear that as a result of this scheme billions of dollars have been hidden from the true cost to the New South Wales budget. Equally, tens of millions of dollars that should have been accounted for never were. In addition, there are clear statements from KPMG and others that the creation of the Transport Asset Holding Entity of New South Wales was a breach by the Government of the clear advice of the Waterfall inquiry that there needs to be one entity in charge of our rail network—not two. That is what we saw in the first KPMG report. But what is worse is evidence that the New South Wales Treasury effectively then shot the messenger and used its immense clout over KPMG, to which it gives millions of dollars, to procure another report to contradict the first in order to continue the fraud and get it through another budget cycle. That is what has come to light in the last month.

It is entirely possible—if I am to believe the interjections from the Minister—that Labor has got this wrong. But if that was the case, then in yesterday's budget we would have seen a few things. We would have seen precisely how much revenue the Transport Asset Holding Entity would be earning. We would see exactly how much money Transport for NSW would be paying TAHE to use the rail network. We would see precisely what TAHE's profit target would be. We would know for a fact exactly what dividends are payable from the Transport Asset Holding Entity to the Treasury.

If this is a legitimate scheme and if we are to accept the Minister and the Government at their word that TAHE is a valid State-owned corporation no different to Sydney Water or Essential Water, then like those entities TAHE should be making a profit. It should be charging a commercial rate in order for people to access its assets. None of that was present in the budget that was handed down yesterday, which raises serious questions as to whether this Government is trying to again continue the same sham. As a result, it is important that this House act. It is important that the Public Accountability Committee initiate the inquiry and get to the bottom of what this Government has done wrong for the past six years.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:41):** The shadow Treasurer and those opposite think they have a gotcha moment with the Transport Asset Holding Entity of New South Wales [TAHE]. They think they have found a smoking gun. But the truth is that TAHE has been around even longer than Mr Chris Minns' leadership aspirations and is about as secret as those ambitions as well. To be clear, there is no secrecy about TAHE's existence. Its financial treatment was clearly set out in the 2015-16 budget, and the legislation to create TAHE was debated in 2017 and passed by both Houses of Parliament. The TAHE has been fully disclosed in the budget papers since then. The Transport Asset Holding Entity of New South Wales is a State-owned corporation, a type of public non-financial corporation, which is a long-established vehicle

for managing public assets. Even those opposite have heard of Sydney Water, WaterNSW and Forestry Corporation of NSW, each with its own separate board. These are also State-owned corporations.

In this case, the TAHE holds rail assets for the benefit of the people of New South Wales and, as a State-owned corporation, is expected to bring a more effective, efficient and commercial approach to the management of heavy rail assets, particularly property. Other jurisdictions have dedicated entities that hold their public assets, such as the Australian Rail Track Corporation [ARTC] and Australia Post. The public non-financial corporation status of New South Wales public transport agencies is generally consistent with the classification of similar agencies in other jurisdictions. Heavy rail entities such as Queensland Rail in Queensland and VicTrack in Victoria are also classified as public non-financial corporations. If the members opposite do not believe me, I will quote directly from the Treasury Secretary's statement released on 2 June 2021:

Since the Government announcement in 2015, the impacts of TAHE's implementation have been incorporated in the State's annual accounts. Accordingly, to suggest that TAHE represents a mirage or the Government has hidden State costs is completely incorrect.

When it comes to safety and services, there is no risk. Safety and services continue to be regulated by Transport for NSW and delivered by the operators of Sydney Trains and NSW Trains, which are the accredited safety managers for the networks. Sydney Trains and NSW Trains continue to deliver train services and maintain rail infrastructure, carriages, engines, plant, machinery and equipment, with customer service and passenger safety a core priority. The TAHE is fiscally sustainable and its board and chief executive officer will independently report annually to Parliament. The annual report will provide an update on all of the financials, including revenue and expenses. The Auditor-General audits New South Wales government accounts and has provided unqualified opinions on the Total State Sector Accounts since the creation of the TAHE. We are still dealing with a pandemic. I note that the Public Accountability Committee self-referred an inquiry into any matter relating to the New South Wales Government's management of COVID-19 back in March 2020. It held 11 days of hearings and since then we have heard zip. It does not report. It does not sit. It gives us nothing.

**Mr DAVID SHOEBRIDGE (15:45):** As Chair of the Public Accountability Committee, I indicate that we do have a fair bit on at the moment. We have had important hearings and have shed some light on important issues, particularly in the early stages of the Government's handling of the COVID pandemic. When the Government was shutting down Parliament, it was critical that the committee step up and have that oversight. We do not resile from a day of that evidence. Indeed, there is probably a good argument to look more closely at the vaccination rollout across this State as well as the impacts of Federal policy on the ability of NSW Health to roll out the program.

I give credit to the hardworking staff of NSW Health and their extraordinary professionalism. I think they have been let down by the Federal leadership. But I will deal with the Transport Asset Holding Entity of New South Wales [TAHE] and the motion that is before the House. I hear the Minister say it is a mirage. I note and potentially adopt his characterisation of the accounts in relation to TAHE. It is good that he is backing in the concerns that the public has about TAHE. But I think one of the most interesting contributions from the Minister was that he said that TAHE is fiscally sustainable.

We have not looked into this in detail yet but it is a little hard to understand how a multibillion-dollar holding corporation for the State's train assets can be fiscally sustainable if there is no identified income stream going into it. The Minister says that he is the finance Minister and he is good at this sort of stuff, but we have not identified a single income stream coming into a multibillion-dollar holding corporation. I am a little mystified at how it can be fiscally sustainable. It is a trite statement from the finance Minister in the absence of any kind of publicly identified information about its income stream, the long-term plan for the assets, how its asset-holding structure fits in with the overall budget and whether or not the structure has been done in such a way to provide an advantageous final figure for the Government on its budget papers. These are questions I think the public wants answers to. The contribution from the Minister did not give those answers. It seems sensible that we have an inquiry on it.

**The Hon. DANIEL MOOKHEY (15:47):** In reply: I appreciate the contributions of the Minister and Mr David Shoebridge. Let me reply in substance to what the Minister said. The Minister likened the Transport Asset Holding Entity of New South Wales [TAHE] to entities such as the Forestry Corporation of NSW and Sydney Water. If that is the case, those organisations have statements of business intent—and he would know that—that set out precisely where their income is meant to be coming from and what their profit target is. That is not in place for the Transport Asset Holding Entity. It has never been in place for the Transport Asset Holding Entity. The Minister makes a point that this is a legitimate organisation with a board but he fails to tell the House that the board was set up two years late. This Government told the Australian Bureau of Statistics, which decides how the entity is treated, that the board would be operating from July 2018. Yet it only came into existence in July 2020 after the Auditor-General said, "Why haven't you kept your word to make sure that this is a legitimately operating board?"

The Minister likens TAHE to Queensland Rail, Australia Post and VicTrack. It is not the first time that he has done so in this House. I point out that Australia Post earns a profit and it has a profit target. We would like to know what Transport Asset Holding Entity's profit target is. Queensland Rail is an entity that has been operating in some form now for nearly a century. VicTrack is a privately owned entity in a privatised market, having been privatised by the Kennett Government. He further makes the point that TAHE works with Sydney Trains and NSW Trains—which is remarkable, really, because TAHE is the owner of \$40 billion worth of assets yet does not maintain any of them whatsoever. In fact, it pays Sydney Trains and NSW Trains to maintain its own network. It is a remarkable arrangement that further encourages the view that this is simply an accounting trick and not a genuinely operating State-owned corporation akin to Sydney Water.

Sydney Water maintains its own assets. Sydney Water does its own capital expenditure. TAHE does not at all, and that is the point. This does not seem like any of the State-owned corporations that we are familiar with. It does seem like a complicated trick to artificially inflate the budget numbers. I could be wrong, but if the House resolves to set up this inquiry then the Public Accountability Committee will get to the bottom of it. It is important that we do so quickly because this is an entity that the Government, if it is true to its word, has to switch on straightaway—and that has to be accounted for in the budget. There is an element of urgency to this proposed inquiry because TAHE is either one of two things: It is a legitimately operating State-owned corporation—which means it is undercharging for the use of its assets, which has to be exposed—or it is a sham. It is one or the other. If the Government is true to its word it would welcome this inquiry and it would vote for it.

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

**Motion agreed to.**

#### *Bills*

### **MOTOR ACCIDENTS AND WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2021**

#### **First Reading**

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

**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.**

**The Hon. DON HARWIN:** I move:

That the second reading of the bill stand as an order of the day for the first sitting day after the winter recess.

**Motion agreed to.**

#### *Motions*

### **ANIMAL SENTIENCE**

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

That private members' business item No. 1194 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK PEARSON (15:52):** I seek leave to amend private members' business item No. 1194 outside the order of precedence for today of which I have given notice by omitting in paragraph (1) "congratulates" and inserting instead "commends".

**Leave granted.**

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

- (1) That this House commends the British Government for committing to:
  - (a) make the United Kingdom a world leader in animal protection;
  - (b) introduce an Animal Sentience Bill that recognises the sentience of animals by enshrining in law that animals:
    - (i) are aware of their feelings and emotions,
    - (ii) can experience joy and pleasure, as well as pain and suffering;

- (c) make the Animal Sentience Bill the centrepiece of the Queen's Speech in Parliament; and
  - (d) end the live export of animals.
- (2) That this House calls upon the Government to follow the United Kingdom's lead by including the recognition of animal sentience in its proposed new animal protection laws.
- (3) That this House advises the Premier, the Hon. Gladys Berejiklian, that she would be far more likely to reach the visionary and compassionate standard of the Queen if she were to remove the Deputy Premier, the Hon. John Barilaro and the Minister for Primary Industries, the Hon. Adam Marshall, from their offices.

I speak to my motion regarding the excellent progress that the British Government has made in regard to recognising animal sentience and legislating to improve the lives of animals. In the Queen's Speech to Parliament Her Majesty stated:

Legislation will also be brought forward to ensure the United Kingdom has, and promotes, the highest standards of animal welfare.

That legislation is the Animal Welfare (Sentience) Bill, the Kept Animals Bill, and the Animals Abroad Bill. The United Kingdom has a long history of improving the lives of animals, being the first country in the world to pass legislation to protect animals with the Cruel Treatment of Cattle Act 1822 and, later, the landmark Protection of Animals Act 1911. I congratulate the Conservative Johnson Government on continuing this proud tradition and urge the Berejiklian Government to cast off the influence of the cruel and regressive National Party, which is determined to ignore the will of the majority of New South Wales voters who are calling out for more compassionate treatment of animals.

By enshrining sentience in the Animal Welfare (Sentience) Bill and setting up accountability mechanisms, all future legislation will have to acknowledge and act upon the fact that animals are aware of their feelings and emotions and can experience joy and pleasure as well as pain, loss, grief and suffering. The bill establishes an Animal Sentience Committee to report on laws that may impact adversely on animals and make recommendations for change that benefits animals. The additional animal protection bills referred to by the Queen in her speech will have the effect of ending live animal export for slaughter and feedlots, restricting international trade in puppy breeding and banning imports such as ivory, shark fins and hunting trophies. The new laws have the support of organisations such as Compassion in World Farming and Humane Society International.

The British Government continues to shame Australia's political representatives by enacting many basic reforms that seem to be beyond our legislature, ranging from banning the use of battery cages for layer hens and introducing compulsory CCTV in slaughterhouses. Such reasonable measures have been sought by the Animal Justice Party but have failed to find support in this House. The New South Wales people, animals and environment deserve better than the Neanderthals in The Nationals who block every sensible reform. They hold a retrograde view of animals more suited to the Cartesian thinking of the Middle Ages than the scientific understanding of animal capabilities in the twenty-first century.

I call upon the Premier, the Hon. Gladys Berejiklian, to remove the Hon. John Barilaro and the Hon Adam Marshall from their ministries and to appoint more forward-thinking and compassionate individuals. In 2016, when Premier Mike Baird received the McHugh report into the greyhound racing industry, he was sickened by the overwhelming evidence of animal cruelty and criminality. He did not hesitate to ban an industry rife with live baiting, illegal drugs, race-fixing and the killing of thousands of unwanted greyhounds. Five years later, why are we pouring \$50 million of taxpayers' money into this grubby, cruel and dysfunctional industry? It is because the Deputy Premier, the Hon John Barilaro, again undermined his leader and entrenched greyhound racing with all its cruelty—

**The Hon. Wes Fang:** Point of order—

**The Hon. MARK PEARSON:** —and abuse for many years to come.

**The Hon. Wes Fang:** Point of order—

**The Hon. MARK PEARSON:** Would you stop the clock, please?

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I cannot stop the clock.

**The Hon. MARK PEARSON:** Okay. Make it quick.

**The Hon. Wes Fang:** I was listening very carefully to the Hon. Mark Pearson's contribution. The member well knows that if he is going to cast aspersions on members of the other House, which is what he just did to the Deputy Premier, he needs to do so by way of substantive motion. Certainly if he wants to do so I would encourage him to do it—bring it on! Let us have the debate. Let us have it right now.

**The Hon. MARK PEARSON:** It will happen.



**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** There is no point of order. The member will continue.

**The Hon. MARK PEARSON:** Not content with the regressive action of overturning the greyhound racing ban, the Hon. John Barilaro then proceeded to take koala conservation back more than 25 years, thwarting the reformist efforts of his colleague the Hon. Matt Kean. It beggars belief that after the finding of the inquiry into koala populations— [*Time expired.*]

I seek the leave of the House to extend my speech by 1½ minutes.

**Leave granted.**

**The Hon. MARK PEARSON:** I thank the House. It beggars belief that after the finding of the inquiry into koala populations and habitat—that koalas will become extinct in New South Wales within 30 years unless urgent protections are put in place—we have the Deputy Premier shredding the few protections we have for koalas. The agriculture Minister, the Hon. Adam Marshall, should be dismissed for failing to support even the most minimalist of animal protection initiatives. Surely in 2021 it is absolutely basic to legislate for mandatory pain relief for farm animal procedures such as castration and mulesing, to ban puppy farming and to end the use of battery cages. Perhaps we should invite the Queen to address the New South Wales Parliament and deliver a speech on the Berejiklian Government's long-promised animal welfare reforms. My Nationals colleagues may be inspired to discover a greater compassion for animals whilst in the presence of Her Majesty.

**The Hon. SCOTT FARLOW (15:59):** I oppose the motion on behalf of the Government, but in doing so—

**The Hon. Mick Veitch:** I'm shocked.

**The Hon. SCOTT FARLOW:** I am shocked as well. I know, you thought he had me at the Queen but unfortunately he did not persuade me. However, I thank the Hon. Mark Pearson for the opportunity to update the House on all the New South Wales Government is doing to protect the welfare of animals across the State, with the inclusion of the Deputy Premier and Minister Adam Marshall at the helm. The Government's stringent animal protection laws already acknowledge the needs of creatures; otherwise the Prevention of Cruelty to Animals Act or POCTAA, as members of the House are most familiar with, would not be necessary. POCTAA acknowledges animals' need for care. Protecting animals from harm and promoting responsible animal ownership and care in New South Wales are key priorities of this Government. It is our duty to protect animals from those who would do them harm and to hold those who abuse the less powerful to account.

The Government already has in place a strong framework to protect animals and is already working to make those laws even more effective. That includes the recently passed Prevention of Cruelty to Animals Amendment Act 2021, which increased penalties for animal welfare offences, as well as the ongoing animal welfare reform process that will see modern streamlined animal welfare laws introduced in Parliament in 2021. However, new legislation is just one plank of the effective framework to tackle animal welfare and this Government has shown its ongoing commitment to ensuring that a robust framework of funding infrastructure and education is in place to support our laws and to protect animals in New South Wales.

In 2018 the New South Wales Government released the first ever New South Wales Animal Welfare Action Plan, which underscores its commitment to animal welfare and outlines the pathway to animal welfare reform in the State. We know that the animal welfare laws in New South Wales are almost 40 years old and are in need of reform. That is why the action plan includes a commitment to streamline and modernise animal welfare laws in New South Wales. We all know that this is a process that is already well underway and is being done in close step with other stakeholder groups, the community and our animal welfare enforcement agencies.

The Minister has also committed to delivering a draft exposure bill by the end of the year, which will allow members of this place to have their say. This is an incredibly complicated area of policy and we do not need piecemeal measures to undermine the integrity of protections for animal welfare. We have said it before in this place, and we will say it again: The changes relating to animal welfare in this State, including the enforcement framework, should be included in the existing reform process, which is underway at this very moment. As such, the Government opposes the motion before the House.

**The Hon. MICK VEITCH (16:02):** I say from the outset that when the proponent first spoke to me, I read the motion and thought members on the Opposition side of the Chamber could move an amendment to remove paragraphs (1) and (2) and support only paragraph (3), but that would not have been the intent of or agreeable to the Hon. Mark Pearson. I refer to a number of matters raised by the Hon. Scott Farlow. I agree that a body of work has been done but it has taken a very long time and I do not think he should be skiting about it. The Prevention of Cruelty to Animals Act [POCTAA] amendment bills come through this House and every time we

are told this body of work is on its way and that a paradigm shift is coming. We keep looking to the horizon and we have not seen it, so we wait. We have a fair degree of expectation that the promises that have been made will be met, but we are cautious.

This motion raises a serious matter. There has to be a discussion around animal sentience as a part of the parliamentary process that the Hon. Scott Farlow spoke about. The British Parliament has ensured that this discussion does not go away and that other jurisdictions around the world also have this public policy conversation. I agree with the Parliamentary Secretary that it is a complex area, but no-one can walk away from it. Community expectations have changed and it is a discussion we have got to have. Was that discussion had as part of the development of the legislative framework that the Parliamentary Secretary alluded to? We do not know because we have not yet seen the body of work. We are being told, "Trust us". I am hesitant to say that we have been able to have a proper conversation around animal sentience in this State as part of that very important body of work. I do not think anyone is trying to undermine the fact that it is a very serious and important body of work in a complex area of public policy.

Paragraph (3) of the motion is interesting to a lot of members and it is unusual that it has been tacked onto a motion. We have provided some advice to the Premier about The Nationals ministerial positions. I am certain if this motion is agreed to that the Premier will take full notice of the position of the Legislative Council in relation to ministerial allocations for The Nationals. On that basis the Opposition will back the motion.

**Ms ABIGAIL BOYD (16:05):** On behalf of The Greens I support this motion. However, I will move an amendment to change paragraph (3) to take more concrete steps towards prioritising animal welfare in New South Wales. I move:

That the question be amended by omitting paragraph (3) and inserting instead:

(3) That this House recommends that the Premier establish a dedicated portfolio for the protection of animal welfare.

As much as I like the comedy in paragraph (3), unfortunately, getting rid of a few people from this Government will not solve the problem because the problem is its attitude towards animal welfare, which is sorely lacking. There needs to be a separate portfolio taken away from the Minister for Agriculture and Western New South Wales, which is all about treating animals as products. We need an animal welfare Minister who is interested in reflecting the views of communities on what they expect to see. In 2021 the question as to whether animals are sentient is no longer up for debate. Animals experience pain, joy, fear, excitement, boredom, contentment and many other emotions in between. They can learn, make judgements, form attachments and make choices, and they have personalities.

The recent parliamentary inquiry into animal cruelty laws acknowledged that communities see animals as individual sentient entities, not property. The committee recommended that our laws reflect our societal understanding of animal sentience. In 2019 the Australian Capital Territory passed animal welfare legislation that explicitly acknowledged the reality of animal sentience. New Zealand and most of Europe have also recognised animal sentience in their laws and it is heartening to see that the United Kingdom has signalled that it will join their ranks. The Greens will continue to fight for New South Wales to do the same because it is obvious and logical.

Australia has one of the largest live export industries in the world, which means that we are torturing more animals for the sake of profit than most other countries in the world. Animals on live export ships are confined for weeks in conditions of extremely high density, often experiencing heat stroke, starvation and extraordinarily poor sanitation. We cannot guarantee that the welfare standards that we expect in Australia will be met when they arrive overseas. We cannot even guarantee that those animals will not drown at sea, like the 6,000 cattle that went missing in September 2020, or become stranded in limbo to starve to death, like what happened to a plane full of lobsters in November 2020. Live export is extended torture, and it is time Australia ended it. New Zealand will ban live exports from 2023 and, as this motion recognises, the United Kingdom has now signalled that it will ban the cruel practice as well. It is well time for us to join them.

**The Hon. WES FANG (16:08):** I thank the Hon. Mark Pearson for moving the motion, which confirms to members on this side of the House why the Deputy Premier and the Minister for Agriculture and Western New South Wales hold their positions. Motions like this only go to serve them and we thank the Hon. Mark Pearson for confirming that they are doing a great job. They will continue to be in their roles. The Nationals determine their leader and nobody else.

**The Hon. MARK PEARSON (16:09):** In reply: I thank members for their contributions. Irrespective of one's view of the monarchy, if the Queen at her age is willing to accept the opportunity to speak to the British Parliament at the opening of the British Parliament after the latest crisis, I am sure that she has a choice as to which subjects she wants to speak to.

[Members interjected.]

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order!

**The Hon. MARK PEARSON:** It is the will of the British Parliament for the Queen to speak to this issue. That is the gravity and importance of this issue. What is changing and what has been recommended by the British Parliament is to abolish practices that we have in place for animals in New South Wales and Australia. We must heed that message. Britain and England have led the world in understanding animal sentience and animal protection. It is only right and ethical that this Parliament follow suit. I commend the motion to the House.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The Hon. Mark Pearson has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment of Ms Abigail Boyd be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes ..... 16  
Noes ..... 16  
Majority..... 0

#### AYES

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

Hurst  
Jackson  
Moriarty  
Moselmane  
Pearson

Primrose  
Secord  
Sharpe  
Shoebridge  
Veitch

#### NOES

Amato  
Banasiak  
Borsak  
Fang  
Farlow  
Farraway (teller)

Harwin  
Mallard (teller)  
Martin  
Mitchell  
Nile

Poulos  
Roberts  
Taylor  
Tudehope  
Ward

#### PAIRS

Donnelly  
Graham  
Mookhey  
Searle

Cusack  
Franklin  
Khan  
Maclaren-Jones

**The PRESIDENT:** I will explain my reasons for the decision I am about to give. In relation to the casting vote, the established principles articulated in *Erskine May: Parliamentary Practice* are as follows. The Chair should always vote for further discussion, where this is possible; where no further discussion is possible, decisions should not be taken except by a majority; and a casting vote on an amendment to a bill should leave the bill in its existing form. Given the nature of the motion of the member, which calls for the introduction of an animal sentience bill and other matters related thereto, I will exercise my casting vote in favour of the status quo, which means I will vote with the noes. As a result, the ayes are 16 and the noes are 17. The question is resolved in the negative.

**Motion as amended negated.**

#### Documents

#### STATE OWNED CORPORATIONS REVIEW

#### Production of Documents: Order

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

That private members' business item No. 1263 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (16:25):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Treasurer or Treasury relating to the report SCO932-2020 entitled *Building on Strong Foundations: A review of State-Owned Corporations*:

- (a) the final and all draft versions of the report SCO932-2020 entitled *Building on Strong Foundations: A review of State-Owned Corporations*;
- (b) all documents, transcripts of interviews, and submissions provided to or obtained by the authors of the report;
- (c) all briefs, including attachments to briefs, sent to, signed by, drafted for or approved by the Treasurer, the Treasury Secretary, or any Deputy Secretary which mentions the report;
- (d) all correspondence with, including attachments, or any documents created by any external consultant or consultancy regarding the report; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I am a fan of Treasury reports and I am a fan of Treasury reviews, particularly when they are to do with our State-owned corporations. We forget how important our State-owned corporations are and, equally, how large they are. Those who read yesterday's budget will understand that they are a form of public non-finance corporation or public finance corporation, and there are many of them. Many of them are household names: Essential Energy, which also covers Essential Water; Hunter Water; Sydney Water; Forestry Corporation; the Transport Asset Holding Entity; the Port Authority of NSW. They are just some of the entities we are talking about when we refer to our State-owned corporations.

They manage billions of dollars of publicly owned assets. They operate under a commercial policy framework that has been set up by Treasury going back to the Greiner Government. That commercial framework, as well as the accompanying tax equivalent regime, is meant to create an environment akin to the private sector. That was in fact a key reform of the Greiner Government, one that was retained by successive Labor governments, and it continues to this day. These corporations pay billions of dollars in dividends. Looking at yesterday's budget, over the forward estimates we will collect a good \$4 billion-plus in dividends, in profits—in large part, much of it taken from the services that are provided, which are of course paid for by the State's working families, especially when it comes to entities like Sydney Water. That is the context in which I move this motion.

In operating like private sector equivalents, it is the case that quite a few of these corporations have mirrored some of the errors that have taken place in private sector governance as well. Equally, some of them have adopted remuneration practices that are best associated with the private sector. As I understand it, concerns about that triggered Treasury to undertake this review in secret. It received this report but it is yet to explain what the report said and what it recommended. Other members in this House asked questions about the report and its findings, to which answers were not forthcoming. That raises the question: If the Treasury has commissioned and paid for this report, and if the report relates to 20-plus corporations which between them have more than \$12 billion worth of assets, why does the Treasury not explain what caused it to commission this review; why does it not tell us what the report says; and, importantly, what is the Government doing in response to the recommendations that have been provided?

These are not small matters. We are talking about Landcom, an entity that has been subject to serious scrutiny in this place about its culture. That is just one. We are talking equally about Sydney Water, an entity that affects the households of millions of people, and Hunter Water, which equally affects lots of people. There is a lot of interest in these corporations, a lot of interest in this report and a lot of interest in the Government's response, but sadly no information is forthcoming from the Government. As a result, the Opposition seeks to have this matter brought to public light by exercising the House's power under Standing Order 52 to compel production of the documents. On that basis, I recommend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:29):** State-owned corporations [SOCs] are self-supporting commercial entities that operate as corporations for various policy reasons at arm's length from government and are 100 per cent government-owned. Every State and Territory in Australia and around the world have equivalents. State-owned corporations seek to replicate the organisational structures, efficiencies and accountabilities found in the private sector. The approach in New South Wales has evolved over the past three decades as governments of both colours have sought to incrementally strengthen and improve the model. That is what is happening here.

The Government introduced the SOC model in 1989 with the State Owned Corporations Act providing the legal framework for the corporatisation of government businesses. For the first time that resulted in government businesses operating as companies at arm's length from government, guided by an independent board of directors while remaining accountable to government for both financial and non-financial performance. The State Owned Corporations Act establishes the core governance and structural arrangements for each State-owned corporation. The State-owned corporation model seeks to impose private sector incentives and commercial disciplines on government businesses and enable them to operate at arm's length from government.

The model has existed for over 30 years. In that time it has delivered a win for the people of New South Wales in not only the products and services that State-owned corporations deliver but also the financial position of the State through dividends and opportunities to sell businesses that have developed under the model to be able to invest in critical infrastructure, including schools and hospitals, that are needed for the people of New South Wales. It is critically important that State-owned and government businesses support the key policy decisions of the Government.

The Treasurer is always seeking to make those entities stronger and more relevant. Any documents prepared by Treasury to improve the performance and governance of State-owned corporations would, by their very nature, be Cabinet-in-confidence. As members would be aware, this House does not have the power to compel the production of Cabinet documents. The Government, like successive governments before it, recognises and respects the importance of Cabinet confidentiality to the system of responsible government. The Government opposes the motion.

**The Hon. MARK LATHAM (16:32):** When I was first elected to this Chamber, I made a speech expressing my scepticism of the House becoming a freedom of information [FOI] factory through the overuse of Standing Order [SO] 52.

*[A Government member interjected.]*

I acknowledge the interjection of the Government Whip, the Hon. Shayne Mallard. We will come to his thoughts on that in a moment. Over the months and years since that speech, I have warmed to the "Daniel Mookhey have-a-looky library" that we have built up for Standing Order 52s so much that I hold it in the same regard as my favourite presidential libraries, the Richard Nixon Presidential Library and Museum in Yorba Linda and the William J Clinton Library and Museum in Arkansas. Those are mighty institutions. Our library is named in honour of our favourite SO52er, the Hon. Daniel Mookhey, who was recently rightly elevated to the role of shadow Treasurer to pursue these things even more thoroughly. It is necessary that he does because the Government consistently refuses to answer straightforward questions on notice, to the point where it forces members to the last resort of pursuing a call for papers.

I had such an interest in report SCO932-2020 entitled *Building on Strong Foundations: A Review of State-Owned Corporations*, which included the now notorious Transport Asset Holding Entity [TAHE], Essential Energy, Forestry Corporation of NSW, Hunter Water, Sydney Water, the Port Authority of New South Wales, Landcom and WaterNSW, that on 6 April I put a lengthy question on notice to the Minister for Finance and Small Business, representing the Treasurer, about the relative remuneration of CEOs and other senior executives, financial performance, a return to shareholder Ministers/government, the quality of asset management, customer service outcomes, and on it went. It was a simple question that got a simpleton's answer. The answer from the Treasurer and the senior Minister stated:

The review is ongoing and the Government will consider it in due course.

That shows the complete inability of this pathetic Government to answer questions honestly in the spirit in which they are asked. If the Government answered more questions extensively and honestly and in a spirit of parliamentary accountability, we would not have such a big "Daniel Mookhey have-a-looky library" full of Standing Order 52 documents. The Government has brought this on itself. It has no-one to blame but itself for the emergence of a call for papers as the ultimate tool of Executive Government accountability.

*[A Government member interjected.]*

The Hon. Damien Tudehope can interject as much as he likes. He can make his muffled interjections behind his black mask. I would be hiding too if I had displayed the kind of lack of accountability as his shameful answers to questions on notice.

**The Hon. Natalie Ward:** Point of order: The Hon. Mark Latham should direct his comments through the Chair. He is directing his comments to the member personally. While it is very nice for members to have interactions and deal with each other cordially, he should direct his comments through the Chair.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The Hon. Mark Latham will address his comments through the Chair.

**The Hon. MARK LATHAM:** I seek leave for a brief extension of time.

**Leave not granted.**

**The Hon. Shayne Mallard:** Point of order: I take a point of order about the behaviour of members while a fellow member is taking a point of order. The person taking a point of order has the right to be heard in silence. Three members, whom I will not single out, were yelling across the Chamber at each other whilst the Hon. Natalie Ward was trying to take a point of order. It is highly disrespectful of any member trying to take a point of order not to be heard in silence.

**The Hon. Mark Latham:** To the point of order: Who started the interjections during my speech? They were started by the Government Whip. One would think the Government Whip, even while on his training wheels, would set a better example to other members.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I agree that there was disorder in the Chamber. The Hon. Natalie Ward was also hampered by the lolly she was eating when she took her point of order. Members will keep a level of civility.

**The Hon. MARK BUTTIGIEG (16:37):** I make a contribution to debate on the motion, having had extensive experience of government obfuscation regarding information around State-owned corporations. I used to work for Ausgrid, which is now 100 per cent privatised. The entities that were outlined before—including Sydney Water, Essential Energy and the Transport Asset Holding Entity [TAHE]—are 100 per cent owned not by the Treasurer or the Minister for Finance and Small Business but by the New South Wales taxpayer. Those corporations are under the stewardship of the Government on behalf of the New South Wales taxpayer. The idea that a 100 per cent shareholder cannot access annual reports or the minutiae of information involved in running those corporations, let alone a report into the State-owned corporation—

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! I ask members to make less noise in the Chamber while also obeying COVID-safe rules. In particular, I ask them to use the chevron markers. That would be appreciated.

**The Hon. MARK BUTTIGIEG:** This call for papers asks for the release of the report entitled *Building on Strong Foundations: A Review of State-Owned Corporations*. Is the Government seriously suggesting that it will not provide access to a report on the performance of State-owned corporations, which are 100 per cent owned by the New South Wales taxpayer? So the taxpayer cannot even understand whether or not they are getting value for their money. Yet Government Ministers want to come into this House and put up walls time after time by obfuscation and say, "No, we can't give it to you because it is Cabinet-in-confidence." What rubbish!

This is a report into the performance of State-owned corporations. It is not even the annual report. It is not even about executive remuneration. It is a report on the performance of State-owned corporations and taxpayers have a right to know. The least the Government can do is provide the Opposition with access to a report about their performance. The New South Wales taxpayer has a right to know. The Standing Order 52 motion should be supported and the least that the taxpayer should be able to expect is that the Government comes good with the information about their assets.

**The Hon. DANIEL MOOKHEY (16:40):** In reply: I welcome the contributions of the senior Minister, the Hon. Mark Latham, MLC, and of course the Hon. Mark Buttigieg, MLC. There are four parts to the debate to which I wish to respond. The first is the Minister's statement that this report is a Cabinet-in-confidence document. How can it be? There is no way it can contain the actual deliberations of Cabinet. The claim is a furphy and a nonsense, but it raises further questions about why the Government is so desperate to hide such a report, especially after the Minister has espoused his views that the State-owned corporations sector is performing well and is well managed. The Minister cannot have it both ways. If the report is positive, why would the Government have anything to hide? If the report is not positive, given how much public asset and public wealth is contained within these corporations, we as a Parliament should know about it and the public has a right to know about it as well.

The second part of the debate to which I wish to refer is that I fully concur with the Hon. Mark Latham, who said that the need to use the Standing Order 52 power is in proportion to the inability of the Government to answer questions on notice. All members of this House, especially those on the non-Government side, who have diligently used the questions upon notice process to obtain answers in order to avoid SO 52 orders, are constantly encountering obfuscation in the Government's replies. I am an avid user of the questions upon notice format and forms, as are you, Madam Deputy President Boyd, and as is the Hon. Mark Latham, as well as many other members of this House.

If the Government abhors the SO 52 requests in the manner in which the current Parliament uses that power, the opportunity is available for it to answer the questions that are put through the questions upon notice process or through the estimates process, or through any other processes. But for as long as the Government continues to thumb its nose at public accountability and the accountability mechanisms of this House, then of course the Opposition will seek to use the SO 52 powers. Thirdly, in respect to the suggestion that a library be built in my honour, I notice in the parliamentary appropriation no such proposal is forthcoming. I am disappointed. I would not mind an appropriation for that purpose, particularly if it is built magnificently.

**The Hon. John Graham:** Planning.

**The Hon. DANIEL MOOKHEY:** Where is the planning? My fourth and final point is that the Hon. Mark Latham likens it to the William J. Clinton Presidential Library and the Richard Nixon Presidential Library, both of which are fine presidential libraries. But by far the best is the Lyndon Baines Johnson Library in Austin. If we are serious about aspiring to that level of public disclosure, especially about matters as contentious as the Vietnam War, that should be the model we use as we go about constructing the library for SO 52 requests.

**Mr David Shoebridge:** But with less brutalist architecture.

**The Hon. DANIEL MOOKHEY:** I accept the interjection. I commend the motion to the House.

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

**The House divided.**

Ayes .....20  
Noes .....12  
Majority.....8

#### AYES

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

#### NOES

Amato	Harwin	Poulos
Fang	Mallard (teller)	Taylor
Farlow	Martin	Tudehope
Farraway (teller)	Mitchell	Ward

#### PAIRS

Donnelly	Cusack
Graham	Franklin
Houssos	Khan
Searle	Maclaren-Jones

**Motion agreed to.**

#### *Motions*

#### NSW RURAL FIRE SERVICE AWARDS

**The Hon. LOU AMATO:** I move:

That private members' business item No. 1260 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. LOU AMATO (16:54):** I move:

(1) That this House notes:

(a) the outstanding contribution of the NSW Rural Fire Service to our community; and

- (b) that on 4 May 2021, 16 individuals and one unit from across the NSW Rural Fire Service were acknowledged by the Commissioner of the NSW Rural Fire Service with awards in recognition of their outstanding bravery.
- (2) That this House acknowledges:
  - (a) the following recipients of the Commissioner's Commendation for Bravery—Individual awards:
    - (i) Captain William Ross, Spencer Brigade, Central Coast, Area Hunter;
    - (ii) Deputy Captain Alison Wade, Spencer Brigade, Central Coast, Area Hunter;
    - (iii) Deputy Captain Geoffrey Keaton, Horsley Park Brigade, Cumberland, Area Greater Sydney;
    - (iv) Firefighter Andrew O'Dwyer, Horsley Park Brigade, Cumberland, Area Greater Sydney;
    - (v) Firefighter Colin Burns, Belowra Brigade, Far South Coast, Area South Eastern;
    - (vi) Firefighter Samuel McPaul, Morven Brigade, Southern Border, Area South Western;
    - (vii) Captain Stuart Anderson, Back Creek-Greater Hume Brigade, Southern Border, Area South Western;
    - (viii) Deputy Group Captain Ian Avage, Splitters Creek Brigade, Southern Border, Area South Western;
    - (ix) Captain Andrew Godde, Culcairn North West Brigade, Southern Border, Area South Western;
    - (x) Firefighter Andrew Julian, Back Creek-Greater Hume Brigade, Southern Border, Area South Western;
    - (xi) Firefighter Rodney O'Keeffe, Culcairn North West Brigade, Southern Border, Area South Western;
    - (xii) Deputy Group Captain Scott Campbell, Lawrence Brigade, Clarence Valley, Area North Eastern;
    - (xiii) Senior Deputy Captain Nathan Barnden, Jellat Brigade, Far South Coast, Area South Eastern;
    - (xiv) Firefighter John Gallagher, Tathra Brigade, Far South Coast, Area South Eastern;
    - (xv) Firefighter Ryan Clarkstone, Wilton Brigade, Southern Highlands, Area Greater Sydney;
    - (xvi) Firefighter Dean Symons, Illawong Brigade, Sutherland, Area Greater Sydney; and
  - (b) The Harrington Brigade, Mid Coast, Area Hunter, on being the recipient of the Commissioner's Unit Citation for Bravery.
- (3) That this House gives thanks to the following individuals who gave their lives in service to New South Wales, and who, in addition to receiving bravery awards, received the Commissioner's Commendation for Service Award:
  - (a) Deputy Captain Geoffrey Keaton;
  - (b) Firefighter Andrew O'Dwyer;
  - (c) Firefighter Colin Burns; and
  - (d) Firefighter Samuel McPaul.

We are thankful for the community service of our volunteer rural firefighters. We congratulate all those who received the Commissioner's Commendation for Bravery. We also give heartfelt thanks to Deputy Captain Geoffrey Keaton, firefighter Andrew O'Dwyer, firefighter Colin Burns and firefighter Samuel McPaul, who tragically lost their lives in service to New South Wales. We pray that their families are comforted that their loved ones gave the ultimate sacrifice in service to their community. I remember December 2019, when my home town was besieged by fire fronts converging from multiple directions. There was nothing that could stop what awaited us. It was like a nuclear holocaust that transformed forests, homes and lives into smouldering ash.

Yet amidst all the terror, NSW Rural Fire Service firefighters, completely outgunned, bravely stood their ground as heroes and fought the unwinnable battle against the flames. Though they could not possibly hope to stop the wall of burning terror, they risked their lives to save as many properties as possible but most importantly the lives of their fellow citizens. One of the brave firefighters who received the Commissioner's Commendation for Bravery, Ryan Clarkstone, is a personal friend of mine. This is the story of Ryan Clarkstone and Dean Symons, who served our State with distinction and saved the lives and properties of many of my fellow residents. This is their story from the NSW Rural Fire Service's website:

On the afternoon of Sunday 21 December 2019, Firefighters Ryan Clarkstone and Dean Symons were undertaking field reconnaissance duties as part of efforts to control the Green Wattle Creek fire. They were tasked to the area of Balmoral Village, where conditions were hot and smoky.

Firefighters Clarkstone and Symons performed a number of hit-and-run firefighting operations while conducting reconnaissance, including property protection on a NSW RFS member's house. They were able to rescue a possum and transport it to the Balmoral Village Brigade station.

A wind change was observed in the late afternoon and Firefighters Clarkstone and Symons received radio reports of significant fire activity in the Balmoral Village, with numerous people trapped in houses that were alight in Station Street. At the end of Station Street, Firefighters Clarkstone and Symons located a family sheltering in their car. The rear of the car had begun to catch fire and melt. Firefighters Clarkstone and Symons exited their appliance and escorted the family in their car to the end of the street, as visibility was hampered by fire and smoke. Most of the vegetation in the street was alight and visibility was near zero.



Without access to breathing apparatus, Firefighters Clarkstone and Symons undertook a primary internal search of 3 Station Street and were unable to locate any persons. Further reports of a male trapped in his house were received, and Firefighters Clarkstone and Symons forced entry through the front door of 5 Station Street. They commenced an internal search, and soon located and extracted a male occupant. The upper section of the house and eaves were well alight.

Firefighters Clarkstone and Symons then extinguished several fires in Station Street that they deemed a risk to property before linking up with the Northern Beaches Strike Team.

If time permitted, I would list the great deeds of all those who received the Commissioner's Commendation for Bravery, especially those brave firefighters who sadly lost their lives. I suffered personal property loss during the 2019-20 bushfires, yet I was fortunate not to lose everything. So many lost all they owned to the flames and, even more tragic, some lost their lives. If it was not for the dedication and bravery of Ryan Clarkstone and Dean Symons and indeed all those who fought the fires, many of us would have lost so much more and may not be alive today to personally thank the RFS. We are proud of our Rural Fire Service. May we never forget their bravery in the face of such insurmountable fear.

**The Hon. WALT SECORD (16:59):** I lead for Labor as the representative of the shadow Minister for Emergency Services in the Chamber. My comments will be brief because I will be unable to surpass the contribution made by the Hon. Lou Amato. I stand with my colleague on the motion. In the horrific black summer bushfires of 2019-20 we lost too many brave people and in the truest sense understood the sacrifices that volunteer firefighters make for us all. On 4 May 2021 the Rural Fire Service awarded many individuals and units with commendations for their exceptional service and bravery. Usually held on 4 May each year, the award ceremony coincides with the feast day of St Florian, the patron saint of firefighters, and International Firefighters' Day.

I join the Hon. Lou Amato in thanking the following individuals who gave their lives in the service of New South Wales and, in addition to receiving bravery awards, received the Commissioner's Commendation for Service award. Tragically, four New South Wales RFS members were killed in action during that terrible season and were posthumously awarded with individual Commissioner's Commendations for Bravery: Andrew O'Dwyer and Geoffrey Keaton from the Horsley Park brigade, Samuel McPaul from the Morven brigade and Colin Burns from the Belowra brigade.

My colleague in the other place, Hugh McDermott, the member for Prospect, spoke emotionally and eloquently about two of those men who were fellow volunteers in his rural bushfire brigade—Geoffrey Keaton and Andrew O'Dwyer. They were tragically killed while on duty at the Green Wattle Creek fire ground in south-west Sydney on 19 December. Their contributions will never be forgotten. A Commissioner's Unit Citation for Bravery was awarded to the Harrington brigade, which was attending a house fire at Johns River in November 2019 when a burning tree fell across their path, forcing them to continue on foot in extreme fire conditions. Like the Hon. Lou Amato, I acknowledge all who received awards. I leave my contribution at that.

**The Hon. MICK VEITCH (17:02):** I associate myself with the motion moved by the Hon. Lou Amato. For anyone living in regional New South Wales and the Blue Mountains—I know the Hon. Shayne Mallard will agree—there is a very real appreciation for the bravery of our RFS volunteers. They do a wonderful job in very trying circumstances. The Dunns Road bushfire took out so much. Mates of mine lost their houses in that fire. You listen to some of the stories from the volunteers about what they had to confront and how they went about it and you realise we have a huge debt to them. It is right and appropriate that the House provides its support in the manner that is put forward by the Hon. Lou Amato.

If members get the chance, they should go and see the Emergency Services Volunteers Memorial. All of those names were mothers, fathers, brothers, sisters, sons, daughters or partners. Communities have been impacted by the loss of those individuals. There are no words we could put on the transcript in this place that would do any justice to the bravery of those individuals. They go out just about every summer to do that protection of property and life in particular, knowing full well that their training may not put them in good stead. They are a well-trained group of individuals, but you just cannot predict a fire. The individuals awarded with commendations had to confront horrific conditions in that terrible summer. I have no doubt it was extremely frightening for the individuals at the front. We owe them all greatly and each and every one of us should applaud the contribution of the RFS volunteers every day. I commend the motion to the House.

**The Hon. SHAYNE MALLARD (17:05):** I associate my comments with the motion and the sentiment expressed by the speakers that commemorate the tragic loss of life in the firefighting community during that black summer. I also acknowledge the many awards that the Hon. Lou Amato mentioned in his motion, including how many brigades had bravery awards and citations and why, and the lives that were put at risk to save lives and property across the State as well as the environment.

During the COVID period of the past 12 months or more I have missed representing the Minister for Police and Emergency Services and presenting awards, citations, training awards and awards recognising lengths of service—often 50 years—to men and women in the RFS and other services, including the SES. Most of those

things were put on hold during the pandemic. I am longing to get back to that to acknowledge the men and women in all those services in the Blue Mountains, who have essentially become friends. I see them out and about. That is what happened in those bushfires that summer.

Some members will recall the Hon. Greg Donnelly and I were in Papua New Guinea. I was called to action in my Community Fire Unit [CFU] and came back to three fire fronts converging on Katoomba, with evacuation services at my house. I was out with the RFS in the evening looking at the fires going down into the Megalong Valley. I went to the emergency headquarters at Katoomba with the Premier and Minister Matt Kean. I was in awe of their planning of the operation. They had planned three or four days ahead of what is, essentially, a military operation to fight the fire. All the different services were there. Every service you could imagine was there in a big battle room—railways, police, ambulance, local health services, the RFS, fire brigades, Fire and Rescue, and national parks. I acknowledge the National Parks and Wildlife Service, which is often overlooked and has incredibly brave firefighters. They carried a lot of the firefighting in the Blue Mountains whilst the fire was further over towards the north and then came together.

I associate myself with the motion moved by the Hon. Lou Amato. I could talk for ages about what the community and I went through, but we learned a lot of lessons. I was pleased to see in the budget quite a bit of money allocated for innovative ways to deal with fires, such as drones and satellite imaging, which will go a long way to making us more resilient.

**The Hon. LOU AMATO (17:08):** In reply: I thank the Hon. Walt Secord, the Hon. Mick Veitch and the Hon. Shayne Mallard for their contributions to the important motion. We are thankful for the great contribution our rural firefighters make to New South Wales. We congratulate all those who received bravery awards and we give our heartfelt thanks to those who made the ultimate sacrifice and lost their lives in service to New South Wales. May we never forget them.

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

**Motion agreed to.**

#### *Documents*

### **AUSTRALIAN CLAY TARGET ASSOCIATION**

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

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 1292 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (17:10):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of the Office of Sport; Regional NSW; Infrastructure NSW; Treasury; the Department of Premier and Cabinet; the Treasurer; the Premier; the Deputy Premier; and the Minister for Jobs, Investment, Tourism and Western Sydney relating to grants to the Australian Clay Target Association:

- (a) all applications for funding submitted by the Australian Clay Target Association including any supporting documentation, business cases, cost benefit analysis, building tenders and contracts for building works associated with the funding;
- (b) all documents, including correspondence, relating to the initial funding reservation in January 2015 for the \$5.5 million grant to the Australian Clay Target Association;
- (c) all independent assessments of the project the subject of the \$5.5 million grant under the Restart NSW Fund;
- (d) all advice, correspondence and recommendations relating to the movement of the administration of the \$5.5 million funding grant from the Office of Sport to Infrastructure NSW, including any changes in scope to the size of the grant;
- (e) all correspondence, between 1 January 2015 to 1 January 2018, to and from Mr Daryl Maguire that relates to or mentions the awarding of funding grants to the Australian Clay Target Association;
- (f) any internal or external investigations, reviews or audits into the approval and awarding of the \$5.5 million grant to the Australian Clay Target Association;
- (g) all internal or external correspondence, between 1 December 2020 and 1 June 2021, that mentions the awarding of the \$5.5 million grant to the Australian Clay Target Association; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is an order for papers under Standing Order 52 seeking all the documents in the custody and control of the Office of Sport, Regional NSW, the Department of Premier and Cabinet, the Premier, the Deputy Premier and others in relation to grants awarded to the Australian Clay Target Association. The circumstance in which the

Australian Clay Target Association, which had the good fortune of being located in Wagga Wagga, received some \$5.5 million of public money out of a fund that was oversighted by the Premier and through a process in which the Premier gave approval through the Expenditure Review Committee is one that I believe the public has a right to know.

Some of the details already have been covered in ICAC hearings. What we do know is that Mr Maguire, who at the time was in a close personal relationship with the Premier, had been repeatedly seeking to get funding for this project. He wanted a convention centre at this site and he secretly worked behind the scenes with a company called G8way International and his business partner Phil Elliott in order to get the funds over to the club and then sought some kind of commission out of the process. It would appear that he was not disclosing that particular detail. It is not known to whom it was disclosed that Mr Maguire was seeking a commission but, according to Mr Elliott's evidence to ICAC, we do know that Mr Maguire suggested to somebody at the club to contact Mr Elliott about purchasing chairs for the convention centre from China. In fact, the then CEO of Australia Clay Target Association, Tony Turner, approached G8way for assistance with furnishing the club and went on a trip with Mr Elliott to China where they bought 1,300 chairs for the club's convention centre.

G8way apparently expected to make a commission on the deal. Of course, when he was asked about this commission, Mr Elliott agreed with an ICAC commission that "a tiny commission" could have then ultimately flowed to Mr Maguire from the purchase. Although it may surprise members, given the integrity of that arrangement, there was apparently a problem with the delivery of the chairs and G8way had to pick up some of the expense. It goes to show it was probably not the best way of arranging to furnish a convention centre. The story has other little twists and tales. While I do not have time to tell the full story, one of the more interesting aspects of the story is that the club actually wanted a \$4.8 million grant for a particular convention centre it wanted. At the time the then sports Minister Stuart Ayres went shooting with Mr Turner down at the club, firing off at clay pigeon shots. I do not think it was semi submachine guns, like the police Minister used. I think they were just using shotguns.

*[A Government member interjected.]*

I note the interjection from the Hon. Shayne Mallard. They went and did a bit of shooting down there and apparently Minister Ayres was persuaded that it would be good to provide the funds. Mr Turner then gets a call from somebody at the Office of Sport saying, "Hey, look, I know you're after \$4.8 million but the Minister"—and it is not clear which Minister it is, but it is a call from someone from the Office of Sport—"wants to make it bigger. We want to give you \$5.5 million and we want a bigger convention centre." Mr Turner said, "But we only wanted \$4.8 million. We've got our plans." They said, "No, the Minister wants to make it bigger. We want to give you \$5.5 million." And that is what the club got.

So what we would like to know is how on earth did that whole sorry mess play out? What was role of the Premier? Where are the documents? Was there a business case? How was this whole sorry story played out at public expense? We have a right to know. I hope the Government supports this motion calling for documents under Standing Order 52 because the people of New South Wales deserve the full story.

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (17:14):** The Government will not be opposing the motion.

**Mr David Shoebridge:** Good.

**The Hon. JOHN GRAHAM (17:15):** I welcome the Government not opposing the motion. That is very important, and I thank the Minister for making that clear to the House. I do want to add a couple of issues. It is important to be very clear about what the issue is before the House, and that is the repeated instances where the then Treasurer and now Premier was at the table at repeated steps of this process. The funding reservation was made in December 2016 under the Restart NSW fund—a fund overseen by the Treasurer, and the Treasurer at the time was Gladys Berejiklian. The application then proceeded through the Expenditure Review Committee [ERC] process.

According to the CEO of Infrastructure NSW, such an application would normally be submitted to the ERC by the New South Wales Treasurer, who at the time was the current Premier. The body includes the Treasurer, the Premier and the Deputy Premier. At the time that this funding would have been endorsed, which was 2017, Gladys Berejiklian was the Premier of the State. On each of those occasions relevant to the decision-making, the first item of business in those ERC meetings would have been for the chair to say, "Are there any declarations of conflict of interest to be made?" It seems no declarations were made. That is what it seems on the face of it. That is the issue. The Premier's defence is:

I understand all those arrangements went through the normal processes. I don't intervene in those processes.

Well, all the normal processes were followed except for this process of declaring a conflict of interest. That is the process that was glaringly absent and that is the issue that the motion goes to. The member explained the situation well. I want to quote the actual discussion from CEO Tony Turner recalling that conversation with who he believed was an official from the Office of Sport. This is Mr Turner's recollection of the conversation:

"He said—

that is the official—

'OK, so you're gonna build us a building that'll seat at least 600 people for dinner,' and I said, 'Well, that's not quite right.'

"And he said, 'Let me finish,' and then, 'It'll seat a thousand for a conference,' and I said, 'Well, no that's—that's not right either.'

"And he said, 'And we'll give you \$5.5 million,' and I said, 'No, that's not what we applied for, we applied for \$4.8 million,' and he said, 'The Minister wants it bigger.'"

There they were, jamming the seats in, and at the same time Daryl Maguire and his associates were over in China sourcing the 1,300 seats as part of this grant. The Opposition supports the motion.

**Mr DAVID SHOEBRIDGE (17:18):** In reply: I welcome the Minister's indication that the Government will not be opposing the motion. I note the further contribution from the Hon. John Graham. It is a continuing frustration to have such an inadequate response from the Premier about her role and what she knew at the time. The non-answers that have been given on the public record are not acceptable. Perhaps we can test those non-answers when we finally get the information and we see the documents, provided those documents have not been dealt with using the Premier's document record management system. I commend the motion to the House.

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

**Motion agreed to.**

#### *Bills*

### **ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021**

#### **First Reading**

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

**The Hon. SARAH MITCHELL:** According to sessional order, I declare the bill to be an urgent bill.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

**The Hon. SARAH MITCHELL:** I move:

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

**Motion agreed to.**

#### *Documents*

### **TAFE NSW COURSES**

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

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

That private members' business item No. 1272 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (17:21):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Skills and Tertiary Education, Department of Education and TAFE NSW relating to courses offered by TAFE NSW:

- (a) for each TAFE NSW campus since 1 July 2011:
  - (i) a list of all courses delivered each year;
  - (ii) the total amount of funding provided by the New South Wales Government each year;
  - (iii) full-time equivalent staffing levels for each year;

- (iv) a list of student enrolment numbers by course for each year; and
  - (v) a list of student completion rates by course for each year.
- (b) for each Connected Learning Centre since 1 July 2011:
  - (i) a list of all courses delivered each year;
  - (ii) the total amount of funding provided by the New South Wales Government each year;
  - (iii) full-time equivalent staffing levels for each year;
  - (iv) a list of student enrolment numbers by course for each year; and
  - (v) a list of student completion rates by course for each year.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is straightforward. The Opposition is after some information which I have no doubt the Government will be able to whack together in no time. I believe it is all available. The Government just needs to put it in a tabulated format and get it back so we can all have a good look at what has been going on with the funding, the courses and the full-time equivalent staffing levels. This is about vocational education in regional New South Wales in particular. Over the past 10 years, there has been a real focus on changing, developing and emerging regional economies and the skill sets that are required. It is my contention—and certainly the contention of members on the Opposition side of the Chamber—that TAFE has a critical role in providing quality, world-class vocational education in New South Wales. So it can keep doing that, we need to get a picture of what has been happening since 2011.

We need to understand what the funding levels have been since then and we need to understand just what has been happening when it comes to enrolments and completion rates for individual students in those courses. Without that information, the Government can keep moving along with matters such as Scone TAFE. That really concerns the Opposition, and it is now quite an issue to a number of individuals and communities in regional New South Wales. A number of TAFE campuses want to know just what is happening. They want to know the privatisation agenda of this Government when it comes to TAFE and the potential sale of some campuses. I commend the motion to the House.

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (17:24):** I agree with the Hon. Mick Veitch in part—we all agree that TAFE provides quality vocational education and we want it to be the very best it can be. There is no doubt about that, and there is agreement on that. Where we part ways is on this call for papers under Standing Order 52. The Government opposes the motion. The Government has nothing to hide about the courses offered across TAFE NSW campuses and its Connected Learning Centres, but the release of these papers would undoubtedly damage its ability to operate as the leading skills provider in our State. TAFE NSW operates in a commercial environment where it competes with private training organisations to educate and upskill students across the State. By releasing this information, Labor will be opening the floodgates for competitors to swoop in and take advantage of sensitive commercial information held by the institution that it claims to care so much about.

If Labor members truly care about our teachers and students, they will stop this call and allow TAFE NSW to get on with the job. The order for papers does nothing but jeopardise the ability of TAFE to compete with private training organisations on a level playing field. We are not sure why Labor wants to give private training providers an unfair advantage over TAFE. We do not agree with it. Whilst members opposite are working against TAFE, the Berejiklian-Barilaro Government continues to invest in a comprehensive public provider of vocational education and training that it believes in. We saw it only yesterday with the Treasurer's delivery of the budget. While it seems that Labor will continue along the lines of scaremongering about privatisation, this Government will be delivering a \$2 billion TAFE budget. That is 3.4 per cent higher than last year.

The New South Wales Government is backing TAFE and backing students, with nearly three-quarters of the recurrent skills budget allocated to TAFE NSW. We believe in our public provider of vocational education. We believe in our teachers. We believe in our students. We know that Labor is struggling to work out where it stands on this issue, but it should not act at the expense of TAFE. This call for papers will not assist TAFE. I ask honourable members to consider the ramifications of releasing this commercially sensitive information and to put our teachers and students first. For those reasons, the Government opposes the motion.

**Mr DAVID SHOEBRIDGE (17:27):** The Greens support the motion. I make a couple of minor observations. The Government says that all of this information is commercial-in-confidence. What is being sought under Standing Order 52 is a list of TAFE courses. If that information is commercial-in-confidence, it is hard to know how students find out about the courses. Maybe TAFE does keep its course list confidential, in which case it has got a problem. The total amount of funding provided by the New South Wales Government each year is in

the budget, but it is a bit hard to find because the way it is reported is a bit obscure. Having it reported clearly does not seem to me to be a terrible commercial risk to TAFE. As to the full-time equivalent staffing levels for each year, again I do not think a bunch of private providers will swoop in and find some sort of commercial advantage because they know how many staff are employed across all of TAFE in each year.

The motion asks for a list of student enrolment numbers by course for each year. Most of that is reported federally under a bunch of national federal reporting arrangements. It is just really hard to find, and we would like to see it by course. The motion also asks for a list of student completion rates by course for each year. That might be embarrassing or it might be good. But we should know it because, as the Government says, there is a couple of billion dollars of public money going into TAFE. We would like to know how many students complete the courses. How providing that information would somehow give a commercial edge to private providers is a mystery to me. It was not explained by the Minister.

I accept that the Minister has used some speaking notes provided by another Minister in another place. Those speaking notes were obviously inadequate and not up to the job. It is unfortunate that we got that kind of argument against this motion. There probably was a good argument to be made against the call for the documents listed in paragraph (b). It would have been good if the Minister had actually read it. It calls for a list of all the courses et cetera delivered by each Connected Learning Centre since 1 July 2011.

If Ministers knew about their own portfolios—and not this Minister, but the Minister who wrote the notes—they would know that the first Connected Learning Centre did not open until November 2017. That might have been a reasonable argument to have about that, and maybe they could have had an intelligent engagement with the Opposition and narrowed the terms of that. The Greens would have supported that. But apparently it is a "computer says no" with no communication from the Government. Maybe the Minister did not know that the first Connected Learning Centre opened in Quirindi. I am trying to remember who opened it. That is right! It was Michael Johnsen who opened up the first Connected Learning Centre. He said it was a great idea. Since then it has turned out that it is really just an internet cafe without the coffee. It is really unpopular with locals. It is actually hard to get people to go there. It provides bugger-all courses and many of the courses are not relevant to the needs in the local community—so let us find out about it. For those reasons, The Greens support the Standing Order 52 motion.

**The Hon. MICK VEITCH (17:30):** In reply: I thank the Minister for her contribution and Mr David Shoebridge for his. I say one thing to the Minister in regard to her argument: This Government is also very good at putting things in "privilege" boxes, and if there was commercial-in-confidence that tends to be where they get dropped. That is not an argument for not supporting a Standing Order 52 motion.

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

**Motion agreed to.**

## TRANSPORT AND ROADS INFRASTRUCTURE

### Production of Documents: Order

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

That private members' business item No. 1258 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (17:31):** I seek leave to amend private members' business item No. 1258 outside the order of precedence for today of which I have given notice by omitting paragraphs (a) to (c) and inserting instead:

- (a) all briefings and correspondence on the progress of the Transport Access Program and all documents relating to the status or updates of current stations, including a list of those stations that have been upgraded and have not yet been upgraded;
- (b) all progress updates on the funding, timeline and status of partially funded and unfunded election commitments from the 2020/21 Sydney Division Asset Management Plan;
- (c) the most recent copy of the asset management plan for Transport for NSW, or a similar document by another name, and each of its organisational units; and

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution all briefs, briefing notes, reports, updates, presentations, analyses, plans or guidelines created, modified, reviewed or edited since 1 January 2020 in the possession, custody or control of the Department of Customer Service, Treasury, Transport for NSW, Sydney Trains or the Minister for Transport and Roads relating to:

- (a) all briefings and correspondence on the progress of the Transport Access Program and all documents relating to the status or updates of current stations, including a list of those stations that have been upgraded and have not yet been upgraded;
- (b) all progress updates on the funding, timeline and status of partially funded and unfunded election commitments from the 2020/21 Sydney Division Asset Management Plan;
- (c) the most recent copy of the asset management plan for Transport for NSW, or a similar document by another name, and each of its organisational units; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will explain to the House the discussion that has occurred which has led to significant changes to this motion. Originally this was a call for papers aimed at the transport agency relating to the programs that I have outlined: the access program, some unfunded election commitments and assets and maintenance in general. Following some detailed discussions with the Minister's office—and I place on record my thanks to Minister Constance's office—we have significantly narrowed the scope of this call for papers. In fact, in relation to paragraph (a) it has been significantly narrowed; in relation to paragraph (b) this is no longer a call for papers. What we expect is simply an update on where these projects are up to. For the benefit of the House I seek leave to table the documents referred to in the motion so that it is very clear to members and all concerned exactly which projects we are seeking an update on.

**Leave granted.**

**Documents tabled.**

**The Hon. JOHN GRAHAM:** I thank the House. What we are expecting is simply to know where these projects, which were unfunded election commitments—this was advice from the agency to the Minister—are up to: where their funding is up to, where their time lines are up to, and where their progress is up to. The Opposition's expectation is that these projects are now fully funded and delivered, given these were election commitments, but we simply seek to test that. Again, this is no longer a call for papers; we are simply looking for that information to be provided by the agency.

I refer then to paragraph (c) of the amended motion. Previously this was a call for papers which had a wide range, seeking to work out where a range of maintenance funding was up to. Instead, we have narrowed that to a single set of documents. Those documents are the asset management plans that relate to Transport for NSW. They usually relate to each of the organisational units. They have previously been provided to the House, so there should be no issue there. We have indicated that if the name has changed we are looking for exactly the document that has been previously provided—perhaps it goes by another name now—so that it is very clear.

The Minister's office has been very clear in discussions that it understands which document is being sought, and I think the expectation of both the Government and the Opposition is that these documents will now be able to be provided. In return for those assurances, we have significantly narrowed this call for papers. I will not speak further to the motion other than to explain the process we have been through. That is the expectation, and the Opposition thanks the Government for its cooperation. We have been very happy to work with it over the course of what has been quite a short amount of time—as you would understand, Assistant President. From our point of view that process has worked well to this point. We look forward to these documents being returned.

**The Hon. SHAYNE MALLARD (17:36):** The Government will not oppose this SO52 order.

**The Hon. JOHN GRAHAM (17:36):** In reply: Once again, I thank the Government.

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

**Motion agreed to.**

*Business of the House*

#### **POSTPONEMENT OF BUSINESS**

**The Hon. JOHN GRAHAM:** On behalf of Mr Justin Field: I move:

That private members' business item No. 1288 outside the order of precedence be postponed until a later hour.

**Motion agreed to.**

*Documents*

#### **EXHIBITED ANIMALS**

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

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

That private members' business item No. 1282 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (17:38):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2019 in the possession, custody or control of Regional NSW or the Minister for Agriculture and Western New South Wales relating to exhibited animals:

- (a) all licences, permits and approvals issued to Daniel Brighton, Darren Brighton or Jenny Brighton under the Exhibited Animals Protection Act 1986 and its accompanying regulations;
- (b) all documents recording any revocation, suspension or other disciplinary action taken by the Department of Primary Industries in respect of any licence, permit or approval issued to Daniel Brighton, Darren Brighton or Jenny Brighton;
- (c) all licences, permits and approvals issued to Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo under the Exhibited Animals Protection Act 1986 and its accompanying regulations;
- (d) all documents recording any revocation, suspension or other disciplinary action taken by the Department of Primary Industries in respect of any licence, permit or approval issued to Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo;
- (e) all documents recording the results of any audits and inspections of Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo by the Department of Primary Industries, including records of any corrective action requests;
- (f) all correspondence between the Department of Primary Industries and Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo;
- (g) all internal correspondence prepared by the Department of Primary Industries regarding Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo;
- (h) all complaints received by the Department of Primary Industries regarding Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo, including all documents recording any action taken by the Department of Primary Industries in response to those complaints;
- (i) all records of any investigations undertaken by the Department of Primary Industries in respect of Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo;
- (j) all documents relating to lions being sought or obtained by Daniel Brighton, Darren Brighton, Jenny Brighton, Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo; and
- (k) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This Standing Order 52 motion seeks documents in respect of four petting zoos licensed and regulated by the NSW Department of Primary Industries: Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo and Central Coast Zoo. These facilities all have one person in common, namely, Daniel Brighton. I have previously spoken about Daniel Brighton in this place. This is a man who, while running another petting zoo, Get Wild, stabbed a dog with a pitchfork six times and left her hanging from a tree for several hours before coming back and finally killing her with a mallet.

He was charged with serious animal cruelty and given the longest ever jail sentence for animal abuse in New South Wales. After a number of appeals his conviction was overturned on a technicality, but he is once again being pursued by the RSPCA through the courts. I wish I did not have to continue talking in this place about Daniel Brighton and his disgusting acts of cruelty. But since I was elected I have been consistently contacted by whistleblowers who are incredibly concerned about Daniel Brighton's conduct and the fact that, to this day, he is still continuing to acquire and work with animals in the petting zoo industry.

It is not just occurring at Get Wild, where he has continued to obtain more animals since he was first charged with animal cruelty. In the past two years his parents' companies have acquired both Amazement Farm and Fun Park and Kindifarm. They also run a facility known as Farm Friends Mobile Petting Zoo. His parents have said to the media that Daniel just works as a consultant but I have been told by industry insiders that he is heavily involved in running those facilities and is effectively in charge. I have seen evidence that the Brighton family plans to open Central Coast Zoo in late 2021, which will put them in charge of the care and wellbeing of even more animals. The Department of Primary Industries, as far as I am aware, has done nothing to stop this. In fact, it would have approved the acquisition of those additional animals and facilities. It seems content for this man, who has been charged with committing such shocking acts, to continue to be licensed to work with animals and possibly also to be working with children.

I am seeking this information under Standing Order 52 to find out what has been going on in correspondence between those facilities and the Department of Primary Industries and whether there are any issues of concern, particularly around the wellbeing of the animals in Daniel Brighton's care or his ongoing access to children. Perhaps most concerning is that I have recently received a number of tip-offs that the lions due to be



retired from Stardust Circus are possibly being transferred to one of the petting zoos linked to Daniel Brighton. I have tried to get to the bottom of this. I have asked questions to the Minister on notice, as well as questions in the House, but have not received a straight answer. It is devastating to think that those lions could be retiring to a petting zoo with Daniel Brighton. This Standing Order 52 request also seeks information about that. It is a confined request for only six documents going back two years, and I urge everyone to support this Standing Order 52 motion.

**The Hon. SCOTT FARLOW (17:41):** On behalf of the Government I oppose the motion. I am advised that not only does the motion seek an enormous amount of information that would take crucial resources away from maximising animal welfare in New South Wales, but also it seeks information relating to an individual and this Government does not comment on individual authority holders. While the Government opposes the motion, it takes this opportunity to emphasise the work that the Government is doing to improve New South Wales animal welfare legislation. We know that members on this side of the Chamber are committed to providing the strongest possible regulatory framework to promote responsible animal ownership and care in New South Wales. People responsible for animals, including exhibitors like zoos, petting zoos, aquariums and circuses, must provide for their welfare in line with the best available science and community expectations.

The New South Wales Department of Primary Industries is the regulatory agency that carries out the administration of licensing, compliance and enforcement activities under the Exhibited Animals Protection Act 1986, the Exhibited Animals Protection Regulation 2010 and prescribed standards. The Department of Primary Industries administers the licensing of authority holders under the Exhibited Animals Protection Act 1986. Prior to any authority holder being able to exhibit animals, applicants must meet stringent legislative requirements and standards prior to being able to exhibit animals. Those standards mandate general requirements for all exhibitors in New South Wales. The requirements include housing, fencing, caging and exercising facilities for animals; hygiene for the keeping and housing of animals; nutrition, general care and husbandry of animals; records to be kept in relation to the breeding, health, welfare, movement, acquisition, death and disposal of animals; destruction of animals and disposal of carcasses; educational and scientific requirements for animal exhibits; and public safety.

Complementing the licensing framework is a routine audit program, which was revised in 2017 to monitor the exhibitor's compliance with the Act, regulation and standards. Audits involve the review of protocols and procedures to ensure appropriate levels of management are in place to protect animals, keepers and the public. Each audit reviews the welfare of species and appropriate maintenance of enclosures and facilities. Staff who deal with dangerous animals must be suitably qualified and have relevant experience. Failure to comply with those legislative requirements may be an offence under the Exhibited Animals Protection Act 1986. Offences may be dealt with by warning, penalty notice, prosecution, or administrative sanctions against the authority holder.

Ensuring the legislation and standards keep pace with science, community expectations, industry practices and technology, in February of this year the New South Wales Government introduced into Parliament the Prevention of Cruelty to Animals Amendment Bill 2021, to which we referred earlier. This Government is already focused on animal welfare issues and would rather get on with the job of improving animal welfare outcomes. The Government contends that the scope of this request, particularly in regards to individual details, is unreasonable and for those reasons the Government opposes the motion.

**The Hon. MICK VEITCH (17:44):** The Opposition will support this motion moved by the Hon. Emma Hurst. She has presented a compelling position on this matter in discussions with the Opposition. She has also articulated that quite capably this evening. On the basis of those arguments, the Opposition will support the Standing Order 52 request.

**Ms ABIGAIL BOYD (17:45):** On behalf of The Greens I express support for the motion, and I thank the Hon. Emma Hurst for moving the motion. Just over a year ago this House passed a motion under Standing Order 52 which ordered the production of very similar documents to those that are sought today to uncover information about an animal exhibition business owned and operated by a known animal abuser and killer. Here we are again today, because the very same person is working at other animal parks owned by his parents, under the guise of being a "consultant". The public deserves to know if Amazement Farm and Fun Park, Kindifarm, Farm Friends Mobile Petting Zoo or Central Coast Zoo hold themselves to an adequate standard of animal welfare, and whether the department is aware of or has acted in response to any matters of animal cruelty. The Greens wholeheartedly support the motion.

**The Hon. EMMA HURST (17:46):** In reply: I thank the Hon. Scott Farlow, the Hon. Mick Veitch and Ms Abigail Boyd for their contributions and I encourage everybody to support the motion.

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

**Motion agreed to.****CALALA LANE AND CAMPBELL ROAD ROUNDABOUT****Production of Documents: Order**

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

That private members' business item No. 1217 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK BANASIAK (17:47):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Regional Transport and Roads, the Minister for Local Government or Transport for NSW relating to a new roundabout at the intersection of Calala Lane and Campbell Road, Calala:

- (a) all documents, created since 1 January 2017, concerning Traffic Committee deliberations at Tamworth Regional Council, attended by a Transport for NSW representative, that preceded the decision to upgrade the intersection with a roundabout;
- (b) all documents concerning the commencement of the public consultation on the new roundabout in July 2020;
- (c) all documents submitted to Transport for NSW for approval by Tamworth Regional Council for the roundabout including the design safety audit, cost benefit analysis, and its compliance with Australian Standards;
- (d) all documents and correspondence within Transport for NSW, the Minister for Regional Transport and Roads, and Minister for Local Government in relation to the roundabout; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The debate at Tamworth council about a roundabout may seem a small or insignificant matter for this House to discuss. However, it is more about how the process has been handled that raises serious concerns around due process as well as the effectiveness of the Office of Local Government, Transport for NSW, their respective Ministers and the legislation and regulations that surround those portfolio areas. The Office of Local Government and Transport for NSW, and their respective Ministers, have said it is not their responsibility. The Office of Local Government says it cannot intervene on local council issues. One is left wondering what it actually does every day if it does not engage in local government matters. Staff must be really good at solitaire and Minesweeper.

Transport for NSW has directly responded, saying that it did not approve the said roundabout and its position on the traffic committee is merely advisory. This contradicts public statements made by the Deputy Mayor and the General Manager of Tamworth Council, who said that Transport for NSW signed off and approved it. Regardless, based on available records a representative from Transport for NSW did not attend the meetings in question, so who is telling the truth? What were they advising on? This roundabout has raised serious concerns amongst locals. The concerns centre around a number of matters. They claim that consultation was inadequate and that only two meetings were held and they were poorly advertised. One meeting was during the height of a COVID-19 lockdown when people could only leave their house for essential reasons and the second meeting was held at a time when most people would be at work. The response from the council apparently was "Too bad. We were there."

In relation to safety, a school is located in close proximity to this proposed roundabout. In fact, a school crossing is quite close to the exit of the proposed roundabout. The school raised concerns but the council ignored them. The NRMA raised similar concerns in the media, but the council ignored them. A former crash investigator spoke directly to the deputy mayor about his concerns and the deputy mayor never fulfilled the basic obligation of a councillor, which was to pass on those concerns to the rest of the council for discussion. A career paramedic raised his concerns. The council ignored them. They all said similar things: that a driver is primarily focused on getting through a roundabout and not what is at the other end, which is kids walking across a school crossing. With the natural reaction of drivers to accelerate out of a roundabout, the results could be catastrophic. There have been no recent crash incidents prior to this proposed construction, but Tamworth council seem determined to create some. Why is that?

There are issues with compliance with standards. There is no evidence of a design risk audit, which is paramount in such constructions. It does not comply with Austroads guidelines, and it does not comply with Australian standards, particularly AS2890. Transport for NSW can deflect to council all it wants, but it is actually the regulatory authority of these standards. Therefore, any non-adherence to these standards will fall back on Transport for NSW. We have received advice from police that if an infringement notice can be issued regarding a driver doing something with regard to a road, then it brings the State Government into a level of responsibility.

The designer used a two-second reaction time when calculating the site's stopping distance based at 40 kilometres per hour, but other experts would suggest a 2.5-second stopping time. The result of either 45 or

41 metres stopping time does not rate highly. This calculation was based on cars, not buses or trucks. According to Tamworth council, buses do not drive down roads near schools. There are also concerns over swept path analysis and the ability of residents to enter and exit their properties safely. All of these concerns have been ignored. There has also been allegations of scale fraud. The council has used an unusual scale in drawings sent to tenders, being one to 750, and has sent them as an editable CAD file rather than a PDF. Having spoken to other councils, both are largely unheard of. The drawings have misrepresented an impacted owner's property width, which probably aids in the fudging of the Australian standards.

There are issues of fiduciary duty. The cost of the roundabout started at \$800,000. It has quickly and inexplicably risen to \$1.6 million. There is no reported justification for the price hike in any council minutes. The price of traffic lights, which have been deemed by experts as safer, is quoted at \$600,000. Residents have written to the Minister for Local Government and the Minister for Regional Transport and Roads after they were fobbed off by their local member. However, they received the same standard polite "go away" letter that I did. The letter claims that they contacted Tamworth council and were told that there is nothing see. Given that residents have claimed otherwise and that the council engagement with them has been non-existent, I think they deserve to see the council's justification. They have failed to elicit a satisfactory response from it in any other way. When we have councils reportedly failing across the board on so many levels on a matter relating to potential safety risks to school kids and other residents, with serious concerns over fiduciary duty as well, we cannot afford to bury our heads in the sand. I commend the motion to the House.

**The Hon. SCOTT FARLOW (17:52):** Members will recall that I and other members of the Government have spoken on many occasions about the demands that calls for documents under Standing Order 52 have placed on the Transport for NSW cluster, which include 12,000 hours working exclusively on its responses and even 118 working days on just one order. With respect to this order, the Government acknowledges that there is genuine concern about the issue, but it also acknowledges that this is not within the Government's purview. The Minister could certainly advise the House that Calala Lane and Campbell Road are local roads under the care and control of Tamworth Regional Council. The honourable member did mention that in his contribution. As such, the roundabout project at this location is the responsibility of council, and all questions about the project are best directed to it.

Transport for NSW is a member of the Local Traffic Committee that makes recommendations to council regarding the safety and suitability of the design of regulatory devices, including the roundabout, as well as signage and line marking for the intersection. Traffic lights are not installed at locations that do not meet the required warrants as this may affect a number of things, including traffic flow. Installing traffic lights at an inappropriate location could cause unnecessary congestion or reduce traffic flow. Tamworth Regional Council has advised that the intersection did not meet the warrant for the installation of traffic lights. As guided by the Australian standards, Transport for NSW sets out warrants to ensure that traffic lights are the best solution for a site. That is what Transport for NSW can add to this debate. As such, the Government opposes the motion but notes that the House will most likely pass it.

**The Hon. JOHN GRAHAM (17:54):** The Opposition will support the motion. I note the comments of the Parliamentary Secretary, and we would certainly encourage the agency and the Government to negotiate with the member if the scope or the focus of this could be adjusted. One can see from the previous motions relating to transport that this is the approach that the Opposition has tried to take. I do not accept that if Transport for NSW's view is that this particular roundabout is the responsibility of the council, it may not still have an obligation to supply to the House any documents that it has held from those transport committee meetings. Whatever Transport for NSW's view is about who might hold ultimate responsibility from a regulatory or a community point of view, its obligation is to respond to the request for documents. The Opposition would encourage it to do that.

I hope that the Parliamentary Secretary's view is not indicative of the approach that Transport for NSW would take. Having said that, I do not know much of the background to this issue. The Opposition makes no pre-judgement about the issues that the member has raised in putting this on the table, but we hope these documents shed some light on it. Councils across the State raise with both the Hon. Mick Veitch and me that often the data and information that councils want from Transport for NSW is difficult to get at a local level. I have repeatedly heard that as I have been out and about, and I know that my colleague has as well. With those comments, the Opposition supports the motion.

**The Hon. MICK VEITCH (17:56):** This issue has been raised in my office. There has been some correspondence. I think that a number of concerns and questions will be covered off once we receive the documentation, so I am keen on their behalf to see what is in this return when it hits the desk.

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

**Motion agreed to.**

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

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

That private members' business item No. 1284 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.**

*Documents***SCHOOL INFRASTRUCTURE NSW****Production of Documents: Further Order**

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

That private members' business item No. 1287 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (17:58):** I seek leave to amend private members' business item No. 1287 outside the order of precedence by omitting "relating to School Infrastructure NSW and School Infrastructure NSW projects" and inserting instead "specifically relating to the 44 new and upgraded school projects announced as part of the 2021-22 budget".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 March 2021 in the possession, custody or control of the Minister for Education and Early Childhood Learning relating to School Infrastructure NSW:

- (a) all reports, briefings, memorandum, correspondence and emails, including attachments, specifically relating to the 44 new and upgraded school projects announced as part of the 2021-22 budget; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This was originally a much a broader call for papers. In close consultation and in working with the Minister we have come to an agreement where we will limit the scope and simply seek the information relating specifically to the new and upgraded school projects that were announced yesterday in the budget. That is making it a less onerous ask on the Government. As a result, the Government has indicated that it will be supporting this call for papers.

**The Hon. SHAYNE MALLARD (17:59):** The Government will not be opposing this call for papers.

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

**Motion agreed to.**

**MOUSE PLAGUE****Production of Documents: Order**

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

That private members' business item No. 1273 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (18:00):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 July 2020 in the possession, custody or control of the Department of Planning, Industry and Environment; Regional NSW or the Minister for Agriculture and Western New South Wales, or the Deputy Premier and Minister for Regional New South Wales, Industry and Trade, relating to mice in New South Wales:

- (a) all documents, including briefings, departmental file notes, meeting notes and research papers, regarding the nature and scope of mice breeding events and the mouse plague in New South Wales;
- (b) all documents regarding the \$50 million mouse plague support package announced on 13 May 2021, including all documents relating to the rollout and application of funding under the package;
- (c) all documents regarding the \$100 million support package announced on 9 June 2021, including all documents relating to the rollout and application of funding under the package;

- (d) all documents regarding the Government's application to the Australian Pesticides and Veterinary Medicines Authority [APVMA] for the use of bromadiolone; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

There have been discussions with the Hon. Emma Hurst and Ms Cate Faehrmann, who I believe are going to move amendments to the motion. I have no concerns or qualms about those amendments; I actually support both of them. They fit within the intent of this call for papers. Anybody who has been travelling around regional New South Wales over the past few months will know that this topic certainly is exercising the minds of most, if not all, regional residents. There are a lot of concerns; we only have to look at the issue this week around Wellington jail. It is a very serious issue.

The Opposition has some concerns about the support packages. We support the funding; it is necessary to assist people to get through this plague. But the rollout of those packages, the take-up rates and the process that people have to go through are also very important, because what is the point of having the package if people cannot get access to it? The Opposition is also very keen to work through the issue of when the Minister knew about the plague. When did the department talk to the Minister about the potential for it? Was there modelling? Did they not know about it? Those of us who attended the State funeral of Lilliane Brady in Cobar several months ago discussed it. This was a discussion amongst all of the members of Parliament, mayors and councillors from that part of the State. This has been around for a while.

Honourable members would know of the concern that the cold weather may have driven the mice underground. That does not mean they have gone away forever. If we head into a very good spring with good growth of our crops, the plague could continue. In fact, it might get worse. I commend this motion to the House. There is information that we need to know. As I said, there have been proposals for a couple of amendments and they will be acceptable to the Opposition.

**The Hon. EMMA HURST (18:04):** I indicate the support of the Animal Justice Party for this call for papers, although I will be moving one small amendment as foreshadowed by the Hon. Mick Veitch. It is important that this House interrogates the Government's so-called plan to address the mouse population boom. We know that population booms have occurred regularly throughout Australia's history and they can be fairly well predicted, but in this instance the response from the agriculture Minister has been too slow and poorly thought out. It centres around the deployment of an unapproved poison that will cause extreme suffering to the mice as well as any companion animals or wildlife who may be unfortunate enough to consume it. This poison has not previously been approved because many species of animals, including threatened species, will consume it and meet a very cruel death.

It is essential that the New South Wales Government takes proactive steps to monitor and humanely manage future mouse population booms before we end up in this situation again. This should be done through humane approaches, and if that means researching and investigating early intervention and non-lethal methods then that is exactly what should be happening. The Minister has indicated that a small proportion of the \$50 million announced in May will be used for genetic biocontrol research. The Animal Justice Party is interested in that research and what it entails, and we need to decipher if it is an effective and humane option for the future. If it is, the Animal Justice Party will support it, but very little information is out there for the public about what this genetic biocontrol will entail. We want to ensure that these documents are captured by the motion under Standing Order 52. Therefore, I move:

That the question be amended by inserting in paragraph (b) "the \$1.8 million for genetic biocontrol research" after "including all documents relating to".

**Ms CATE FAEHRMANN (18:06):** I move:

That the question be amended as follows:

- (1) In paragraph (1) insert "the Minister for Energy and Environment" after "the Minister for Agriculture and Western New South Wales,".
- (2) Inserting after paragraph (d):
  - (e) all documents, including briefs, departmental file notes, meeting notes and research papers, related to the impact of bromadiolone and zinc phosphide on native species, and.

I thank the Hon. Mick Veitch for bringing this motion to the House today and I support his statements about the need for transparency. I also support the amendment that was just moved by the Animal Justice Party. It is important that we know what information the Government has before it in relation to the impact of this extremely toxic pesticide on native species. I say from the outset that The Greens want to stand with regional communities during this traumatic, stressful and devastating mouse plague. However, we do need to understand the full impact of using bromadiolone on our native species.

What we know is largely from its application in other countries. In the United States, the Environmental Protection Agency has said that this pesticide is so toxic that it can only be used by registered pest controllers because of the exact risk that we need to know about: the risk to native species. Research has suggested that this chemical can reside in animals like rodents and birds of prey—and, yes, we have heard about Murray cod—for up to 135 days and, of course, can kill them as well. If the Government has information about the impacts of this pesticide on native species, it is paramount that the public is able to see it and that we understand what is under consideration. I commend the amendment and the motion to the House.

**The Hon. MARK BANASIAK (18:09):** The Shooters, Fishers and Farmers Party also will support the motion. For many months my colleague and member for Barwon in the other place, Roy Butler, has been raising this issue with various Ministers, both State and Federal, before it began to attract widespread media attention. The Shooters, Fishers and Farmers Party members in this place also are interested in hearing when the Minister first was given advice that there was a concern.

There is some community sentiment that the Government was perhaps hoping and wishing that the problem would go away by itself or the mice would eat themselves out. Mouse plagues are often brought to an end when the mice end up eating each other because they run out of food. We also have heard concerns from recreational fishermen and from New South Wales farmers about the use of the pesticide and its potential impact. So the Shooters, Fishers and Farmers Party also is interested in the documents regarding the approval process and when the approval process occurred. In conclusion, I reiterate that the Shooters, Fishers and Farmers Party supports the motion moved by the Hon. Mick Veitch.

**The Hon. SAM FARRAWAY (18:10):** I oppose the motion. I do so because the Government is already getting on with the job by supporting communities in regional New South Wales who are impacted by the mouse plague. Our resources are far better spent in ensuring that those communities have the support they need. The New South Wales Government acknowledges and shares the frustrations of those living with this plague. I, like other members of this House, live in a regional centre; so does the Minister for Agriculture and Western New South Wales and so does the Deputy Premier. Believe me when I say that everyone who lives in the bush, particularly in western New South Wales, is living through this plague.

The Government is on the ground talking to the farmers and residents about it. I acknowledge the previous speakers: We are all actually engaging on the ground and talking about it. The New South Wales Government already has put \$150 million on the table to ensure that farmers, households and small businesses have the resources they need to knock down mouse numbers. Farmers have access to rebates of 50 per cent on zinc phosphide purchases up to \$10,000 so that they can protect their crops. They have also had another rebate of up to \$1,000 for money spent on baiting, as have small businesses in the bush. Households can access rebates of up to \$500. This Government also has committed \$5 million to assist with the cost of transporting zinc phosphide active ingredient to Australia so that farmers have more security in their supply of the mouse-killing chemical.

Whilst this is very much a here-and-now issue, we know that mouse plagues are a reality of farming and living in the bush. The Government also has invested \$1.8 million in biocontrol research to control plagues in the future. That investment is a very important factor of the Government's policy rollout. That is being done so that communities can learn and will be able to battle the recent high numbers of mice. For months the Department of Primary Industries has run a series of workshops for the most affected rural areas to arm farmers with vital information on how to combat mice. The Government is hearing from farmers on the ground that they need the tools and information to knock down these vile vermin and that is exactly what the Government is trying to give them.

To do so, the Government has secured the services of Australia's foremost mouse expert, Steve Henry from the CSIRO, who has more than two decades of experience. He has been partnering with Local Land Services and the Department of Primary Industries. He toured the State's hardest hit areas to ensure that local people best knew how to handle the situation. The Hon. Mick Veitch has asked for any briefings on mice breeding events. That will probably be a little difficult, considering how quickly they breed. However, I believe the New South Wales Government has a proven track record of delivering for the bush and its communities affected by the mouse plague. The Government is delivering assistance here and now. For the reasons I have stated, I oppose the motion.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The Hon. Mick Veitch has moved a motion, to which the Hon. Emma Hurst and Ms Cate Faehrmann have moved amendments. The question is that the amendment of the Hon. Emma Hurst be agreed to.

**Amendment of the Hon. Emma Hurst agreed to.**

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The question now is that the amendment of Ms Cate Faehrmann be agreed to.

**Amendment of Ms Cate Faehrmann agreed to.**

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

**Motion as amended agreed to.***Committees***PUBLIC WORKS COMMITTEE****Reference**

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

That private members' business item No. 1274 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (18:15):** I move:

That the Public Works Committee inquire into and report on the granting of contract number OoS17/18-021 by the Office of Sport, and in particular:

- (a) the awarding of a contract to Barrie Smith Motorsport P/L by the Office of Sport to resurface two arenas at the Sydney International Equestrian Centre [SIEC];
- (b) the role played by the board, CEO and members of Equestrian NSW [ENSW], Equestrian Australia and officials within the Office of Sport, in both the application for funding and the process for selection of the grant by the Office of Sport;
- (c) the potential or otherwise for the existence of corrupt conduct and/or conflicts of interest within the Office of Sport, Barrie Smith Motorsport P/L and ENSW, in the granting of the contract, with reference to the ICAC letter of 1 December 2020 to the Office of Sport;
- (d) Office of Sport correspondence to Mr Barrie Smith showing that the original tender specifications were changed from 'importing new material and mixing onsite' at SIEC to 'relocating a surface from another site which had (already) failed' and these contaminated materials were taken from the Wallaby Hill (Robertson) property of Alex Townsend, a NSW Board member;
- (e) whether successive ministers for Sport and the Office of Sport failed to report the information in paragraph (d) above to the appropriate authorities for probity investigation;
- (f) the engagement of and role played by O'Connor Marsden in the examination of probity issues in regard to the granting of the contract and the failure to examine aspects prior to and following the evaluation and awarding of the contract;
- (g) the granting of a peppercorn rent by the Office of Sport to Equestrian NSW for access to and usage of the SIEC site;
- (h) options for rectification of any defects or complete replacement of the indoor arena surface to ensure the arena is safe for horse and rider and capable of use for high level competition; and
- (i) any other related matters.

This motion relates to a referral of a very serious matter to the Public Works Committee. At the outset I thank the new Minister for Sport, Multiculturalism, Seniors and Veterans, the Hon. Natalie Ward, for the fresh approach she has brought to this issue. She comes to it with clean hands to bring greater transparency and accountability to the issue than did her predecessors, particularly her immediate predecessor. The background to the issue is that serious people, who include a whistleblower, reported to me information about a tender that clearly had gone wrong and involved a misuse of public money. It concerns a relationship between Equestrian NSW and the Office of Sport as well as the winning tenderer, Barrie Smith Motorsport. I have previously mentioned the very clear conflicts of interest involved. They were reported on by the ICAC in a letter dated 1 December last year that outlined how it was unacceptable to see such perceptions of corrupt conduct and the poor management of them inside those organisations. So the conflicts of interest were well known.

Through the *Questions and Answers* paper I directed a whole series of important questions about this matter to the previous Minister for Sport, Multiculturalism, Seniors and Veterans, the Hon. Dr Geoff Lee. Unfortunately, this is another example of the Government not treating serious questions with serious answers. I received a flippant one-line response to say that the matter was being investigated by ICAC; nothing to see here; look somewhere else. I took great inspiration, as I do these days, from the "Daniel Mookhey have a looky" library approach and lodged an order for papers under Standing Order 52. That return to order was a treasure-trove of valuable information that should have been reported by Geoff Lee in answer to my original questions. It turned up important new information, which now is being taken seriously by the new Minister for Sport, Multiculturalism, Seniors and Veterans, the Hon. Natalie Ward. I will quote from two key documents. The first is an email from Darren Crumpler, the director of venues management at the Office of Sport, to Barrie Smith, the head of Barrie Smith Motorsport, dated 19 November 2017. Crumpler wrote:

... the one item which is still a large concern is the top surface which has been removed from Wallaby Hill [at Robertson] and relocated to [the Sydney International Equestrian Centre] SIEC [at Horsley Park].

... the evident contamination in the surface which is clearly not what any client would expect noting the large cost and clear procurement contract on the specified delivery method for a new arena surface ...

Crumpler goes on to state:

Last delivery of surface from Wallaby Hill which is heavily contaminated and has large clumps of clay is not to be used.

Then Barrie Smith Motorsport went on to make a financial claim about the variation of the tender specifications. On 26 February 2018, Crumpler wrote to Barrie Smith:

With reference to your invoice—

Barrie Smith's invoice—

and comments around this not being in the original tender, I would like to emphasise our position that the scope was changed by yourself (not the OoS) [Office of Sport] with the original spec clearly outlining importing new material and mixing onsite, which changed to relocating a surface from another site which had failed. The other site was owned by Alex Townsend, an executive board member of Equestrian NSW. How did we ever get in a situation where the original tender specification was not followed and where contaminated, second-hand, failed material was dragged up from the Wallaby Hill property at Robertson to SIEC and used there in a way that led to remediation of the material to take out the clay and some of the plastic items, obviously at public expense? We got to a situation in which not only are there conflicts of interest but possibly also, at zero cost, Alex Townsend has had the failed material at her property removed and taken by Barrie Smith Motorsport, who had failed on the job at Wallaby Hill, to use as second-rate material in trying to fulfil this contract. Then they allowed the specifications to be changed, and that was deemed to be satisfactory and had to go to the remediation costs. All of that is very much worthy of examination by the Public Works Committee to get to the bottom of how it happened. Was it zero cost? Was the development at Wallaby Hill illegal? Can we find a Wingecarribee Shire Council development consent for what happened? What is the trail of documents and the information?

The conflicts of interest are clearly worrying. The way in which the second-hand, second-rate contaminated materials got to Horsley Park is of huge concern and deepens the nature of the scandal. At last, we have a Minister with clean hands who is taking it seriously. I welcome that and I welcome whatever she can do through governmental processes to pass on the new information elicited from the order for the production of documents to the relevant authorities. I thank the chair of the Public Works Committee, the Hon. Daniel Mookhey, for saying that the committee would be pleased to examine the important matter, get to the truth, get to the accountability and make sure it never happens again.

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (18:21):**

The Government will not oppose the motion. I thank the honourable member for his discussions with me about the motion. For the record, the matters raised in the motion occurred prior to my arrival in the portfolio. I do not resile from the fact that the matters are mine now, and I intend to deal with them. Upon being asked a question by the honourable member in the Chamber in the last sitting week, I immediately requested a review by the Office of Sport. I am advised by the Office of Sport that concerns were raised regarding a conflict of interest in Equestrian NSW after the procurement process for the surface arena upgrade at the Sydney International Equestrian Centre. After those concerns were raised, the Office of Sport engaged an independent probity advisor to conduct a review to examine the concerns raised. I informed the House of that when the question was asked.

The report advice was received by the Office of Sport, which notified ICAC about the concerns raised and provided relevant information and a copy of the independent probity report. Subsequently, in December 2020 I understand that ICAC responded and confirmed it would not be further investigating. However, it identified areas where the procurement process could be strengthened. I am advised that the Office of Sport has implemented all of the ICAC recommendations. I am pleased to hear that. The ICAC advised it would take no further steps. While I support the action taken, I note that I have also chosen to apply additional levels of scrutiny. I can advise that I have requested the Secretary of the Department of Premier and Cabinet to undertake an additional review of the matter. I requested that immediately, relating specifically to the matters raised. In addition, I have requested that the Office of Sport refer the matter back to ICAC with a request for ICAC to re-examine the issues and consider investigating the complaints raised.

While the matters raised in the motion occurred prior to my time, I recognise the importance of the issues and have taken those additional steps to be reassured that the process was robust and to be reassured about any other matters which may warrant review. I look forward to receiving a response. While I feel the ICAC is the appropriately qualified body to undertake an investigation of this matter, I nonetheless welcome the interest of the honourable member and the Public Works Committee. For those reasons, I do not oppose the motion. I met with the honourable member this morning about the motion and I thank him for meeting me. I have agreed to make the Office of Sport fully available, as it should be, to assist the Public Works Committee and to answer any questions raised during the course of the inquiry.

**The Hon. DANIEL MOOKHEY (18:24):** The Opposition will not oppose the motion. As the chair of the Public Works Committee, I speak on behalf of the committee when I say its members accept that they have a



responsibility to make sure the State gets value for money when it expends public dollars. Therefore, the motion falls squarely within the committee's remit. When the honourable member raised the matter in the House a few weeks ago, members might recall that I also partook in the questioning of the issue. In the wake of that, I too have been contacted by people in the wider equestrian community who are concerned about what has happened at the Sydney International Equestrian Centre.

The matters they are raising are serious. The matter might not involve a massive amount of money like some of the other scandals that we have seen, but it is still very important, especially with organisations that have autonomy and when we ask boards and board members to supervise that in a manner which is consistent with the fiduciary duty to the public as well as a legal duty to abstain from any behaviour that may or may not be considered corrupt. It is pleasing that we are engaging one of the committees of the House to provide that oversight function.

I appreciate the Minister's description of the actions that she has taken since she inherited the portfolio. She made the point that ICAC had looked at the matter once. This House has seen multiple circumstances where ICAC has referred an issue back to an agency for the agency to investigate. The agency may or may not have been involved in that matter or may or may not have had responsibility to supervise the first instance of it. That is a questionable practice by ICAC. Is it the appropriate way? It is an understandable practice if ICAC is to be believed about its resource constraints, but it is still questionable.

**The Hon. Don Harwin:** ICAC did not spend all its money last year.

**The Hon. DANIEL MOOKHEY:** I accept that interjection. I noticed that too. To engage like that is still a questionable practice by ICAC, and it has done so with multiple issues. In the absence of ICAC being able to do something, I think it is appropriate that the Public Works Committee engages in a short, sharp inquiry to get to the bottom of the issue. I look forward to chairing that process. I appreciate the courtesy that the Minister has extended to my office and the courtesy she has extended to the Opposition. I welcome a Minister pledging the full cooperation of their agency at the outset of an inquiry. That is a habit that more Ministers should get in to. It might be the case that it is done with a lot of optimism by the Minister. I am sure the committee will reciprocate in good faith as it gets to the bottom of the issue. I look forward to reporting the outcome of the inquiry to the House.

**The Hon. MARK LATHAM (18:27):** In reply: I thank the Minister for Sport, Multiculturalism, Seniors and Veterans for the referral to the Secretary of the Department of Premier and Cabinet and the new referral to ICAC. I welcome that. It should have happened six months ago. I thank the Hon. Daniel Mookhey for his cooperation and interest in the issue, which is a serious question of propriety at the Office of Sport and elsewhere. I leave the House this very important lesson: If I had accepted the one-sentence answer from the previous Minister, Geoff Lee, that ICAC has looked at this and there is nothing to see, the matter would have died.

The Government can complain about the volume of orders for the production of documents, but the truth is if I had not lodged that, the House had not supported it and the documents had not been produced, we would not have found the second tranche of documents concerning impropriety. That second tranche showed that the second-hand, second-rate materials were drawn up from the property of an Equestrian NSW board member. The documents further showed that contaminated materials outside the tender specifications have been dumped and used at the Sydney International Equestrian Centre at Horsley Park.

The amount of public money attached to the issue is not vast, but the principles are deeply concerning and deeply important. It highlights to the Parliament the very useful role that the upper House plays in holding the Executive Government to account. Members in this Chamber should not hesitate to use Standing Order 52 for serious matters that are lodged by serious members of the public to ensure that the Executive Government is held to account and that we get to the bottom of matters of concern. If the Government will not do it, it is the duty of the upper House to pursue these orders for the production of documents to ensure the matters are properly examined, as this one is now under the stewardship of the Minister for Sport, Multiculturalism, Seniors and Veterans. I thank her and the other speaker and look forward to the inquiry.

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

**Motion agreed to.**

#### *Documents*

### **COVID-19 RECOVERY PLAN**

#### **Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 12 May 2021, I table correspondence relating to an order for papers regarding jobs created by the COVID-19 Recovery Plan, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that no

further documents have been identified in addition to those already provided to the House, and all documents held and covered by the terms of the resolution and lawfully required to be provided by the department have been provided.

### **EDUCATION - KEY FACTS DOCUMENTS**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 9 June 2021, I table documents relating to an order for papers regarding Education – Key Facts documents, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### **PUBLIC LAND AND PROPERTY SALES**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 12 May 2021, I table documents relating to an order for papers regarding land or property sales, disposal, or divestment targets, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

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

### **LOCKYER STREET, GOULBURN**

#### **Further Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 9 June 2021, I table documents relating to a further order for papers regarding the incident on Lockyer Street, Goulburn, received this day from the Secretary of 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.

### **BIOBANKS**

#### **Return to Order**

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

#### **Claim of Privilege**

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

#### *Bills*

### **ELECTORAL LEGISLATION AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL 2021**

#### **Returned**

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

I will now leave the chair. The House will resume at 8.00 p.m.

**FAMILIES, COMMUNITIES AND DISABILITY SERVICES MISCELLANEOUS AMENDMENT  
BILL 2021**

**MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021**

**Assent**

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

*Committees*

**LEGISLATION REVIEW COMMITTEE**

**Membership**

**The Hon. DAMIEN TUDEHOPE:** By leave: I move:

That the Hon. Sam Faraway be discharged from the Legislation Review Committee and the Hon. Wes Fang be appointed as a member of the committee.

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

*Motions*

**FORBES SHIRE COUNCIL**

**The Hon. SAM FARRAWAY:** I move:

That private members' business item No. 1276 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. SAM FARRAWAY (20:02):** I move:

- (1) That this House notes that:
  - (a) 2020 marked the 150th anniversary of local government in Forbes;
  - (b) due to COVID-19, Forbes Shire Council and the Forbes community were unable to celebrate the occasion in 2020; and
  - (c) Forbes Shire Council decided to celebrate 150 years plus one as a gala celebration on Saturday 8 May 2021.
- (2) That this House acknowledges the important role of local government, councillors and council staff in assisting regional communities during the COVID-19 pandemic.
- (3) That this House notes and congratulates Forbes Shire Council and the entire Forbes community on celebrating this important milestone.

I speak to my motion on the 150 years plus one of local government in Forbes. As someone from the regions, and in particular from the Central West, I understand the importance of this milestone to the township and the people of the Forbes community. On 8 May 2021 I had the honour of representing Premier Gladys Berejiklian and Minister for Local Government, the Hon. Shelley Hancock, at the 150 + 1 Years Forbes Shire Council Gala Celebration. Unfortunately, COVID-19 forced last year's 150-year gala celebrations to be postponed but, as they say, better late than never. I acknowledge some of the distinguished guests who attended the gala celebration, namely Federal member for Riverina the Hon. Michael McCormack, Forbes Shire Council Mayor Councillor Phyllis Miller, OAM; Forbes Shire Council General Manager Steve Loane; and former Forbes Shire Council mayor Alister Lockhart.

As members know, councils play an important part and are the heart of our local communities. Local government is the level of government closest to the community and its very existence is for the local community. Councils make a fundamental difference to the daily lives of their citizens and provide the very things that make our communities tick, from local infrastructure to essential services and community programs that unite local residents. The decisions they make and the activities they undertake go to the very social fabric of a local community. I am pleased to say that all those qualities of community service were on show at the gala celebration and have been clearly evident throughout council's century and a half of serving the Forbes community with honour and distinction. Council has forged a strong relationship with the State Government, with Forbes being an active member of the Central NSW Joint Organisation and part of the memorandum of understanding between

the Government and Regional Cities NSW to strengthen collaboration and deliver projects and services that our regional communities in the Central West need.

In the wake of COVID-19 and the drought, there has never been a more important time for all levels of government to work side by side to do everything possible to help our regional famers, families, towns and cities. We all know COVID-19 has brought with it a massive wave of change and challenges, and I am very pleased to note the State Government's quick and effective response in giving councils such as Forbes Shire Council and the Forbes community a helping hand. Last April the Government announced a nation-leading \$395 million economic stimulus package to meet the unprecedented challenges brought on by the pandemic. This package kept council workers in their jobs, enabled them to continue to put food on the table and pay their bills and, crucially, allowed councils to continue to provide essential services for their communities. For all the challenges, COVID-19 has brought home how resilient we are as a community, a State and a nation. The efforts of both State and local governments have played a big part in ensuring we bounce back fast and even stronger than we were pre-COVID-19.

The New South Wales Government also has a deep and unwavering commitment to play its part in increasing the number of women in local government and making councils more reflective of the communities they represent. What finer example of a successful female community leader than our very own Central West mayor Phyllis Miller, OAM, a tireless and passionate advocate not only for Forbes but also for all of rural and regional New South Wales. I believe an important way to attract female talent to local government is to publicly recognise the amazing work being done by women in that sector. Each year we celebrate the accomplishments of inspirational women as part of the Ministers' Awards for Women in Local Government. In fact, Mayor Phyllis Miller, OAM, won the category of Elected Representative Award – Regional/Rural at the 2019 awards. Finally, I say to all those who attended the gala celebration—the hardworking and dedicated council staff, councillors, Deputy Mayor Chris Roylance and Mayor Phyllis Miller—well done and congratulations on your 151st birthday.

**The Hon. MICK VEITCH (20:07):** I support the motion of the Hon. Sam Faraway. One hundred and fifty-one years is a significant milestone in the history of this great town in the State's Central West. Forbes is situated in Wiradjuri country and still has a strong Indigenous presence within the district. First explored by Oxley in 1817, it was more than 40 years later that the district really took off after gold was discovered in 1861. Around 30,000 diggers arrived shortly thereafter in the hope of striking it rich. Goldmining was not as lucrative as it was in other parts of the State, although it did attract the likes of the bushranger Ben Hall, who gained notoriety when he and his gang lifted 77 kilograms of gold—170 pounds, in those days—and £3,700 from the nearby town of Eugowra in 1862. Within eight years of this event, and five years after Ben Hall's death and burial in Forbes Cemetery, local government was established and the first meeting of the Forbes Shire was held on 7 July 1870.

Forbes is one of those quintessential rural towns, with grand streets and impressive public buildings. In fact, it is where *The Dish* was filmed, not Parkes, so there is a bit of geographic conflict there. It has also been the home to a number of prominent Australians. I note that Forbes was the home of a former Labor member of this House who went on to become the member for Marrickville and the fifteenth Deputy Premier of New South Wales, Carmel Tebbutt. As a former councillor of the neighbouring Young Shire Council, I understand and appreciate the important role played by local governments in their communities. Healthy local government underpins a healthy civic culture—and I tell members that Forbes is no exception. One hundred and fifty years is a significant achievement.

In my time at Young shire there was always a bit of friendly banter amongst the councils in the Central West. Young, Forbes, Parkes and Cowra were all of a similar size, so there was always a bit of geographic banter, rivalry and competition. I spent a lot of time in Forbes on the banks of the Lachlan River with my kids when they played soccer. Forbes runs one of the best soccer carnivals in Central West New South Wales, but it is a bit cold and foggy most days on the Lachlan River. My daughter played a fair bit of tennis at Forbes in the district tennis competition. It is a great place. I have had a lot to do with Phyllis Miller in my time in public life. She is a wonderful woman. As the Hon. Sam Faraway said, she is a staunch advocate not just for Forbes or the Central West but also for regional New South Wales as a whole. It would be fair to say that Phyllis will tell you when she thinks you are on the wrong track. She is pretty frank and forthright in her advice to all of us. I think that Phyllis being the mayor for the 151st year of Forbes is just right.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (20:10):** I congratulate Forbes Shire Council on its 151 years serving the Forbes community. I thank the Hon. Sam Faraway for bringing this matter forward and the Hon. Mick Veitch for his great contribution, keeping Country Labor alive.

**The Hon. Mick Veitch:** Yes, I'm fighting.

**The Hon. BRONNIE TAYLOR:** Although the initial plans to celebrate 150 years unfortunately were cancelled due to COVID-19, I have heard the celebration for the 150-plus-one years was a massive success, with community members coming together for a gala celebration. Recently I was out at Forbes, together with the Hon. Sam Faraway, to open the Ninja Park. It was absolutely fantastic. I had never been to a ninja park before. The young people showed me lots of examples of ninja moves, and so too did the Hon. Sam Faraway, which was terrific. The great thing about these ninja parks, especially at Forbes, is that they are community focused and bring people together.

I acknowledge the leadership of the current mayor of the shire, Phyllis Miller, OAM, a fantastic regional female mayor who has been leading her community for more than 25 years. Phyllis Miller is a tireless advocate for rural issues. She was the first woman to be elected president of the NSW Shires Association in its 100-year history. Under her leadership, Forbes is a booming community and I am sure it will shine even brighter for another 150-plus-one years. Phyllis is the type of person who does not stand on her laurels as a woman. She just gets on with what she needs to do and she happens to be a woman. She really is a trailblazer.

Recently my daughter started one of her first jobs there as a regional journalist and Phyllis was absolutely fantastic with her. Hanna did not tell Phyllis at first that she was my daughter. I do not know why. I am sure she is very proud of me really. Hanna phoned me that night and said, "Oh, Mum, the mayor is just so fantastic. She is so encouraging. She suggested all these stories", and things like that. I think that was Phyllis's way of mentoring another regional young woman who is starting off in her career and it encapsulates the sort of person and leader that she is. Seeing leaders like Phyllis working in their community is how we get more women interested in careers. They see in young women an ability that needs to be encouraged to make sure that they go forward as well. I give a big shout-out to Forbes. I thank the Hon. Sam Faraway for bringing forward this matter and his tireless advocacy and work in the Central West. I know they love him in western New South Wales. He is a great champion.

**The Hon. WES FANG (20:13):** I support the Hon. Sam Faraway and congratulate him on moving this motion. Before I address paragraphs (1) and (3) of the motion, which relate to Forbes Shire Council celebrating its 150-plus-one anniversary, I echo the sentiments expressed in paragraph (2) of the motion. I extend my gratitude to local councils across our State for their assistance during the COVID-19 pandemic that has made an unprecedented impact on everybody's life. In my hometown of Wagga Wagga the council and its staff are consistently working with the Murrumbidgee Local Health District to keep residents informed and safe, more so particularly after the events of the past few days. We are looking to the future and hopefully returning to some normality in Wagga Wagga. Councils across the State are working with businesses, especially small businesses, to bring economic activity back to cities.

For example, this weekend in Wagga Wagga, in partnership with the New South Wales Government, we have a local Lost Lanes festival where we embrace the cold. We have attractions such as an ice skating rink, street murals, a giant animated peacock and an interactive bubble sculpture. The council has worked hard to make this festival a highlight on the calendar, giving local and regional talent a platform for their performances and creations. I take this opportunity to acknowledge the hardworking Mayor of Wagga Wagga, Greg Conkey, OAM, and his team for the handling of COVID-19 and the council's support of residents, whether it by rate relief, mental health support or helping small businesses get back on their feet.

In relation to paragraphs (1) and (3) of the motion, I belatedly congratulate Forbes Shire Council on its 150th anniversary. Although the celebrations were held one year after the event due to COVID-19, they were not muted, with a festival in Victoria Park showcasing a roving entertainment group, Convict Footprints. A variety of stalls were set up displaying local traditions and history, complete with a blacksmith and a cheesemaker showing old techniques to the public, and the Country Women's Association and the Lions Club damper competition was as fierce as ever. The whole festival was flanked by vintage cars and machinery lining Harold Street. It was great to celebrate Forbes Shire Council's 150-plus-one anniversary. I thank the Hon. Sam Faraway for moving this motion. I also congratulate all the councils across the State on helping to shine a little bit of light during what is otherwise a difficult time for people and their constituents across the State.

**The Hon. SAM FARRAWAY (20:16):** In reply: I thank the Hon. Mick Veitch, the Hon. Bronnie Taylor and the Hon. Wes Fang for their contributions. I will touch on some of their comments. The Hon. Mick Veitch was right when he talked about inter-town rivalry. Some part of *The Dish* was filmed in Forbes, which has a lot of character. As the Hon. Mick Veitch said, Phyllis Miller is certainly not backwards in coming forward. That is what is fantastic about Phyllis. She is such a fighter and a huge advocate in the Central West and gets a lot done. My colleague the Hon. Bronnie Taylor spoke of our great and successful trip to Forbes to open the Ninja Park. The Forbes Shire Council has delivered fantastic amenities for its residents and the next generation.

The median age of the population of Forbes is 38. It is hard to find a regional town with a median age of 38. That shows that Forbes is becoming a lifestyle destination. I went to school with a lot of kids from Forbes who

were boarding. A lot of the next generation are now returning to the farm and to the region. People are wanting to live there, around Lake Forbes, and to take advantage of the fantastic amenities that Forbes has to offer. I thank the Hon. Wes Fang for highlighting the fantastic work of other councils across the State. We have a lot of fantastic councils in New South Wales, whether they are in Wagga Wagga or the broader Riverina area. On behalf of this House, I congratulate Forbes Shire Council on its 150th and 151st birthdays.

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

**Motion agreed to.**

#### *Documents*

### **SYDNEY FISH MARKET REDEVELOPMENT**

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

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

That private members' business item No. 1264 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (20:18):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, Treasurer, Minister for Planning and Public Spaces, Minister for Jobs, Investment and Tourism, Treasury, Department of Premier and Cabinet, Department of Planning, Industry and Environment and Infrastructure NSW relating to the redevelopment of the Sydney Fish Markets:

- (a) the final business case for the redevelopment of the Sydney Fish Markets project;
- (b) all draft business cases for the redevelopment of the Sydney Fish Markets project;
- (c) the request for proposal [RFP] for the redevelopment of the Sydney Fish Markets project;
- (d) the tender application made by Multiplex in response to the RFP for the redevelopment of the Sydney Fish Markets project;
- (e) all documents related to the contracting of Multiplex for construction of the Sydney Fish Markets;
- (f) the 'Australian Industry Participation Plan' produced by Multiplex; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion relates to the redevelopment of the Sydney Fish Markets and the wider Pyrmont precinct. It arises because this State spends a lot of money on redeveloping various precincts. It gives us a unique opportunity to use things as bait, for want of a better term, to create further jobs downstream and upstream in the materials that are used. We were supposed to be able to use this money to reel in more jobs for the people of New South Wales to ensure that every single dollar is being used to drive the New South Wales economy and the wider Australian economy forward. We are of course a part of the Federation. The Government says that in principle it is committed to looking at this, especially when it comes to opportunities for materials like steel and cement aggregates. Cement has to be manufactured here.

There is a question, as there always is, as to whether what this Government committed to on paper is actually being delivered. The Sydney Fish Market project involves a large amount of money. We should understand the importance of it to our economy. The Sydney Fish Market is our third most visited tourist destination. It is wildly popular. The idea that we would redevelop it and invest in it is most welcome for members on this side of the House. It is necessary that we have a world-class fish market that is capable of supporting the fishing industry as well as being a tourist destination. Anyone who has visited the now relocated Tsukiji fish market in Japan knows that it is a big part of that economy.

Equally, we do not redevelop our fish market that often. The current one was built decades ago. If we are going to do it, we have to get it right and make sure that we are using construction materials that are made in New South Wales, especially when it comes to steel. We have the BlueScope facility in Wollongong, and we have the Rooty Hill facility as well. Those are just two areas that could provide the steel to be used. In respect to this procurement, there certainly was a requirement for tenderers to have met the requirements for the Industry Capability Network plan and the Australian steel participation plan as well as others. It is a good thing that was required in the request for proposal. It puts paid to the idea that we cannot use procurement to drive domestic manufacturing. We can.

When the requirements were made in contracts it is not like we broke free trade agreements or prompted massive trade disputes. In fact, we were simply mirroring the policies of other countries. The question is whether the requirements have been met by the principal contractor, which is Multiplex in this case. Is the Government

checking? Is the Government enforcing? This is not an insignificant matter. A lot of steel is being used at that facility, and a lot of other construction materials could and should have been sourced from New South Wales and/or Australia. Whilst Labor has been calling on the Government for a long time to use New South Wales tax dollars to create jobs in New South Wales, we want to check that it is being true to purpose. I recall the Hon. Niall Blair talking at great length about how he insisted on BlueScope Steel being used in the Wentworth to Broken Hill Pipeline. There are good examples of the Government achieving results when it decides to do this, but the Opposition wants to make sure that it is being consistently applied. We want to make sure that the steel that is being used in our fish market is coming from facilities in our State, especially if that is what the contractor said that it would do.

I close with this: When we build projects like this, we are connecting our economy to global supply chains. The reason we wish to use the value of the Australian and New South Wales taxpayer dollar on these projects is to put the New South Wales economy into global supply chains. That is exactly the policy that is now being adopted by the United States administration and others around the world. That is how we connect to global supply chains to create sustainable industries that can export. We can do so in a way which is cost efficient, and we can do so in a way which is effective for taxpayers. But it requires us adopting a supply chain approach to these projects, and it requires us therefore accepting responsibility to supervise those who say that they will do so and to check that they do. This call for papers under Standing Order 52 is about making sure that they are true to their word. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:24):** This Standing Order 52 motion is about adding to the "Mookhey looky" library. In fact, I was interested in comments made earlier today by the Hon. Mark Latham. Effectively, he said that he was a convert to the "Mookhey looky" because of the inability of the Government to answer questions on notice properly. I would have thought that the fundamental starting point of this motion would be to say, "We had asked for this information and it had not been provided." The member did not start with that. He did not say, "I asked for this and you didn't tell us."

**The Hon. Daniel Mookhey:** Mr Latham did.

**The Hon. DAMIEN TUDEHOPE:** He did when moving his motion but not in relation to this particular matter.

**The Hon. Daniel Mookhey:** No, he did. I checked.

**The Hon. DAMIEN TUDEHOPE:** If, in fact, you checked the starting point of this application—

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

**The Hon. DAMIEN TUDEHOPE:** The starting point of this application should have been to say, "Here is the application. We didn't get a satisfactory response." But there are a lot of other circumstances relating to the manner in which this particular member seeks to exploit this Chamber and the offices of the Government for what he says is his political end. There is no doubt that contracts are entered into with the State of New South Wales on the basis that there is a tender system in place and that we get the best value for money for the people of New South Wales by acting on the tender process that we engage in.

The Hon. Daniel Mookhey wants to subvert that process. This motion is, in fact, an act of political bastardry in respect of the way that we negotiate contracts. That is what it is all about. He wants to subvert the process, because who will want to contract with the people of New South Wales if the tender documents are all going to be subject to the "Mookhey looky"? He says that he has an obligation to supervise the contract. He is now the master contract supervisor! That is what he is setting himself up as being. He is setting himself up as the master contract supervisor.

The fact of the matter is that this Government has a track record of entering into infrastructure contracts. The Opposition did nothing to deliver for the people of New South Wales. We are a government that is fundamentally committed to dealing with infrastructure projects. I ask the member to please not undermine the commercially sensitive nature of the tender process and the people who are prepared to enter into contracts with the State of New South Wales. That, effectively, is what he will do. The contractors—Multiplex in this case—will say, "Why do we want to do it?" They will not want Labor politicising tender contracts in the way that it is trying to do in this case.

**The Hon. DANIEL MOOKHEY (20:27):** In reply: I appreciate the contribution of the finance Minister. It has been a while since I have seen him fire up so much regarding one of my Standing Order 52 motions. He has been too docile in recent times, and it is good to see that the fight is still there. I reject the allegation that I have engaged in one of the most rank acts of political bastardry that the House has seen. That is just not the case. Through the course of tonight members opposite have awarded me a library and deemed me the master contract

inspector for the people of New South Wales. Clearly, the Liberal Party is being kind to me, but it is not a role that I wish to have. I am far more interested in making sure that we are using these projects to create jobs in this State.

I will respond to one aspect of the Minister's contribution, and that is about whether other processes of the House were utilised. I will be honest; I did speak to the Hon. Mark Latham about this matter. He drew my attention to the fact that he had asked a question about this. Memory might serve me incorrectly, but it may have even been directed to the finance Minister representing others. I could be wrong on that, but it might be that he had some involvement in providing that answer or that non-answer. The finance Minister is the Leader of the House, of course. To suggest that there has been an element of recklessness is not correct. Equally, the Minister ought to check the *Questions and Answers* paper if he is going to say that—particularly if he is going to imply that the Hon. Mark Latham should have followed his own advice about this. To be fair to the honourable member—and I am not here to defend him—I think he did.

As always, the world is not going to end if all that we are seeking is the request for proposal and the response. This contract has been let. Any of the commercial-in-confidence considerations, which the Minister could have argued for but did not, are well and truly passed. We have a government with members that will go to the BlueScope facility in the Illawarra, wear the vest and say to those workers, "We are using our money to get your jobs," and will then come to this place and say, "If you dare ask us whether that's working, then you are engaging in an act of vandalism or bastardry." They roar like lions at steel facilities, but they are meek as mice when it comes to public scrutiny. I listened very carefully and I considered the Minister's comments. I am unpersuaded by them. I recommend that the House pass the motion.

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

**Motion agreed to.**

## COVID-19 RECOVERY PLAN

### Response

**The Hon. PETER PRIMROSE:** I move:

That private members' business item No. 1277 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PETER PRIMROSE (20:30):** I move:

- (1) That this House notes:
  - (a) the resolution of the House of 12 May 2021 relating to an order for papers regarding jobs created by the COVID-19 Recovery Plan;
  - (b) according to the resolution, the Premier, Treasurer and Minister for Finance and Small Business, and their respective departments had 21 days to provide documents in return to the order, resulting in a due date of 2 June 2021; and
  - (c) on 19 May 2021 the Department of Premier and Cabinet sought a seven-week extension, however as the COVID-19 Recovery Plan and jobs public announcement was made in or around June or July 2020 and accordingly the information requested should be easily available, a two-week extension, to 16 June 2021, was agreed to.
- (2) That this House further notes that on Wednesday 16 June 2021 a partial return was received, but the documents provided did not address the specifics of the order for papers regarding jobs created by the COVID-19 Recovery Plan.
- (3) That this House expresses its concern that the return to the order indicates that either:
  - (a) the requested documents do not exist and therefore the COVID-19 Recovery Plan and jobs announcements were made in the absence of credible information; and
  - (b) the Government is refusing to comply with the order of the House.

This motion is born out of the ongoing frustration at the inability of Ministers of this Government to be able to show how they have calculated the number of jobs they have claimed to have created through their various programs—in this case, through the COVID-19 Recovery Plan. Last May the House supported my call for papers regarding the Government's claim that 88,000 direct jobs would be generated over four years and 145,000 direct or indirect jobs would be generated every year over an unspecified time frame by the infrastructure pipeline. My call for papers simply asks for documents specifying how the Government reached those figures. Were they based on actual calculations, or just a vibe?

I previously sought an explanation about the process from the Minister for Jobs, Investment, Tourism and Western Sydney during budget estimates and he had no idea how it worked. I also sought the information through a number of questions on notice—unsuccessfully, as it turned out. What this House received back from the Government was, frankly, pitiful. The partial return was received on 16 June after a two-week extension was



agreed to but failed to provide the specific information requested by the House in the call for papers. The Premier's office said it had no documents of any of the kind sought relating to jobs, as did the office of the Minister for Finance and Small Business. A late return from the Department of Premier and Cabinet was tabled just before the dinner break tonight, again advising that it also had no documents. The new responses from these key offices makes sense only if they had not been consulted, nor sought to be consulted, on the issue of jobs in the time of COVID.

The only document that was subsequently supplied was a publicly available advertorial document entitled "COVID-19 Recovery Plan", which merely reiterated the job numbers without saying how the Government had reached and calculated these figures. It has a foreword by the Premier, whose departmental officers have claimed that they have no documents on the issue. Bizarrely, the office of the Treasurer and the Treasury advised on 15 June that, despite the two-week extension that had been agreed to, they were too busy to comply with the order of the House but might get around to it in a month or so. No further extension had been agreed to. Clearly they are prepared to operate in contempt of an order of the House. I stress that the COVID-19 Recovery Plan was announced in July last year. Why is it so difficult for this Government to provide information about how it calculates the job figures it still routinely puts in its media releases?

The reality is that this House now must await a time when the Treasurer and the Treasury can find a time convenient to them to comply with an order of the House. Frankly, I was not aware that compliance was now optional. If this particular snubbing of the rights, privileges and prerogatives of this House by the Executive is more than a rude aberration, I will be proposing other consequential motions to the House in the near future. As matters stand, I simply now ask that the House express its displeasure and suggest clarification from the Government as to whether the jobs announcements contained in the COVID-19 Recovery Plan were in fact made in the absence of credible information; or, if the information does exist, whether the Government is simply refusing to comply with an order of the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:34):** On 12 May 2021 the House made the call for papers under Standing Order 52 in relation to the jobs created by the COVID-19 Recovery Plan. On 19 May 2021 the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, wrote to the Clerk seeking an extension of time in which to respond to three orders for papers that were addressed to the NSW Treasury. The Hon. Peter Primrose did not tell the House that, but let us get the picture really straight, despite his not having the courtesy to say this. That letter enclosed correspondence from the General Counsel, NSW Treasury, which noted that there were, at that point in time, six Standing Order 52s, three of which Treasury is required to respond to by 2 June 2021. Treasury was also in the process of preparing the State budget, which would mean that Treasury would need to divert subject matter experts and senior executives from working on the State budget in order to answer the call for papers.

Based on an initial review of the six Standing Order 52s and Treasury's experience with the previous standing orders it was anticipated that a significant number of the documents will have to be searched for in aggregate across the orders. Furthermore, Treasury is currently undertaking recruitment for multiple positions across multiple line areas, with some line areas currently operating with only one team member. After the State budget is finalised, Treasury staff will be taking a break before returning to general duties. That is because many staff have been working multiple weekends and overtime in order to finalise the State budget. Therefore, in addition to the ongoing recruitment action that is currently happening, multiple line areas will be operating with minimal staff.

Following that correspondence, on 9 June 2021 the House made a further order directed to the NSW Treasury in relation to the Transport Asset Holding Entity of New South Wales—a further order. On 10 June 2021 the House also directed that NSW Treasury prepare documents in relation to the disputed claims of privilege relating to the Wages Policy Taskforce order for papers. As of today, all agencies and offices named in the order have responded except for the Treasurer's office and NSW Treasury. They have been single-mindedly focused on the New South Wales budget that was presented yesterday. Treasury made clear in its submission for an extension under Sessional Order 18 that it takes its obligations to comply with the order for documents seriously. However, Treasury noted that it also owes workplace health and safety obligations to its staff.

Treasury committed to provide the documents as soon as possible. I understand that this remains the case. I encourage members to pause and reflect on the demoralising impact that motions such as this can have on the members of the public service who do the difficult and time-consuming work of searching for, reviewing, collating, organising and printing these returns. The New South Wales public service should also be a model employer in a safe workplace where the expectations of staff are manageable and realistic.

I seek an extension of time.

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** I thank the House. Those opposite no doubt wish to see the New South Wales public service continue to be an employer of choice—a place where New South Wales' best and brightest want and choose to work. Members' recent denigration of the significant efforts of the public servants who are dealing with the increasingly numerous and increasingly broad orders made by this House significantly undermines that. The Government made an application seeking an extension of time and set out its case cogently. The member who originated the order was not persuaded and instead of the seven-week extension that was requested, a two-week extension was agreed to.

In light of that, the Government has done what it was able to in the time provided to it. As I have already stated, all agencies and offices except for the Treasurer's office and the NSW Treasury have responded to the order. I have every confidence that they will respond when they are able to do so. I add this: The Hon. Peter Primrose had brought another motion against the Minister for Health and Medical Research for a decimal point, which the Minister allegedly put in the wrong place. I ask the Hon. Peter Primrose to review that motion because he got it wrong. The decimal point was in the right place.

**The Hon. MARK BUTTIGIEG (20:38):** My contribution to the debate will be brief. I was listening to the debate in my office upstairs. Having somewhat of an economics background I found it astounding that the Minister would state in this House that it is a difficult thing to produce job numbers that are predicated on the Government's glossy brochures and promotions about what a great job it is doing and will do in the post-COVID recovery by creating all those jobs. Presumably there was someone with a pencil and a calculator, or a spreadsheet, or some sort of economic modeller in the Treasury who has done all that. We are supposed to believe that they have now got to spend hours upon hours, and days and days, and weeks and weeks remodelling and coming up with the jobs. Surely, it is already there.

How long does it take to reproduce modelling that should have already been done? Or was this back of the envelope, hope for the best, sounds good, ring up a couple of employers and see how many direct jobs they think it is going to create? Is that what the methodology was? If it was not, the Government would produce the analysis, the calculation and the modelling. It is not that hard. The Minister is telling the House that this order for the production of documents is going to be a terrible drain on public sector resources.

The Treasury is very well resourced with competent people. If they have done their job like the Minister maintains they have, all they have to do is reproduce the analysis, the documentation and the methodology backing up the jobs the Government says it is going to create. Produce the documentation; it is not that hard. Why the obfuscation? What is the Government trying to hide? The Opposition does not understand it. Produce the modelling and the analysis. It is not much of a question; it is not that big of an ask. The Government accuses the Opposition of being unreasonable and too burdensome on the public sector in every single order for papers. If the work has already been done, press the button and give us the documentation. If it has not, tell us and then we will go from there.

**The Hon. WES FANG (20:41):** I was quite happy to observe the contributions to this motion from the back of the Chamber until the Hon. Mark Buttigieg made his contribution. What an extraordinary contribution by the member. He stands at the lectern and tells us about his economic credentials. He then lectures the Government about how it is going to satisfy orders for the production of documents. I listened to the Minister's contribution about the Treasury staff putting together a fantastic budget for the people of New South Wales and all the work that has occurred in that department. I also listened when he said there were a number of issues with filling positions and that Treasury might have been a little bit short-staffed.

I do not know about the member opposite. He says he is a man of the unions. Would one say a union hack? I do not know. If there was ever an advocate for the rights of workers, one would think it would be the Hon. Mark Buttigieg. One would think he would be listening to the Minister's contribution and saying, "You know what? We do not want workers to be stressed and overworked and put under pressure like this. We want to make sure that their welfare is taken care of." But, no, the contribution of the member opposite was "Just get it done, Minister." It is that attitude that shows why the Labor Party has forgotten workers. It is why the Labor Party's vote is falling and workers are abandoning it in droves. It talks a big game, but when it comes to the rights of workers, what do we hear from the member opposite? "Just get it done."

I say that the Coalition is the party of the worker. The Government is looking after workers. I listened to what the Minister said. Treasury has issues with filling positions and the Government does not want to create stress and anxiety among that staff. They just produced a great budget. All the Minister and the department were asking for was a little bit more time. That seems quite reasonable to me, but we heard from the Minister what the response was from the Opposition. I acknowledge what the Minister said. Give people a chance. Members opposite need to reflect on what it is that they represent in this place and understand that the Government is the friend to the worker.

**The Hon. PETER PRIMROSE (20:44):** In reply: I thank the Minister for his acknowledgement of the effects of the Government's staffing policy and the cuts that have occurred over a number of years. If it is the case that the Government has decided to finally provide at last a return to an adequate number of public servants to do the job that they are expected to do, I ask that be extended to all areas of the public service, including and in particular frontline services. In any case, it is a good acknowledgement by the Minister that the Government's staffing policies to date have led to these problems and to the inability of public servants to do the job they are asked to do by the Parliament and the Government.

The motion that was originally passed by the House was for a period of three weeks. Giving an extension of two weeks gave the agencies five weeks to deliver documents on a matter that had already been carried out. The policy was announced in the middle of last year. The Opposition simply sought to know how the Government calculated the number of jobs that it continued to use in all of its publications. To date, the Government has totally failed to provide that by every avenue I have tried. The other thing that concerns me about the Minister's contribution is the suggestion that somehow, again as I suggested, compliance with an order of the House is optional. I had never heard that stated in the past. We went through those arguments many years ago. They have been through the court processes, and it is held that an order of the Legislative Council is something that needs to be complied with. Now we have a member of the Executive Government suggesting—

**The Hon. Damien Tudehope:** Point of order: This is an entirely inappropriate misrepresentation of what I said. There was never any suggestion in relation to anything I said at this lectern which indicated that I suggested the compliance with orders was optional. I suggested that those who negotiate the time limits to comply need to be reasonable. For the member to—

**The PRESIDENT:** There is no point of order. If the Minister believes he has been misrepresented he can make his point by way of a personal explanation. The Hon. Peter Primrose has the call.

**The Hon. PETER PRIMROSE:** If the argument from the Minister is that the Government has not complied because it had staffing problems and that that is okay, I am really concerned.

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

**The House divided.**

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

#### AYES

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

Field  
Hurst  
Jackson  
Latham  
Mookhey  
Moriarty

Moselmane  
Primrose  
Roberts  
Secord  
Sharpe  
Shoebridge

#### NOES

Amato  
Fang  
Farlow  
Farraway (teller)  
Harwin

Mallard (teller)  
Martin  
Mitchell  
Nile

Poulos  
Taylor  
Tudehope  
Ward

#### PAIRS

Graham  
Houssos  
Searle  
Veitch

Cusack  
Franklin  
Khan  
Maclaren-Jones

**Motion agreed to.**

*Motions***NATIVE FOREST LOGGING**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 1248 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (20:59):** I move:

- (1) That this House notes that:
  - (a) in 2019-20 the Forestry Corporation logged 14,271 hectares of public native forest;
  - (b) the net profit from the destruction of public native forest was \$400,000; and
  - (c) the net profit from the destruction of public native forest works out to be \$28 a hectare.
- (2) That this House recognises that:
  - (a) the World Wildlife Fund [WWF] *Towards Two Billion Trees* report from 2019 estimates an average of 156 trees per hectare for East Australian native forests;
  - (b) Forestry rules mean a few of these are retained for habitat meaning on average 140 trees are logged per hectare;
  - (c) this means that \$28 a hectare profit works out to 20 cents profit per tree; and
  - (d) none of these calculations includes the immeasurable damage to the climate and ecosystems caused by logging.
- (3) That this House calls on the Government to end native forest logging and plan a transition for native forests to be managed for their environmental values and for recreation, tourism and sustainable jobs for regional communities.

We know that logging native forests reduces carbon storage; it can threaten the survival of native species, including our iconic koala; and it makes forests more flammable. But today I am speaking the language that some people in this House prefer, and that is economics. The motion I have moved today is very simple. Native forest logging requires substantial public funding—millions and millions of dollars—to operate. The Greens have taken the numbers that the Government, via Forestry Corporation, provided to the public through its annual report and the sustainability report to support the numbers referenced in the motion.

In 2019-20 Forestry Corporation logged 14,271 hectares of public native forests. I note for those who seek to find that figure that it is in the so-called sustainability report on the Forestry Corporation website, but it is not easy to find. One needs to go to page 23 of that report, then go to the "Harvesting and regeneration of native forests" graphic, click the graph icon in the bottom left corner of the page and then look to the bottom of the list. The Government does not provide the number of trees harvested per hectare, but a credible answer can be found in the WWF *Towards Two Billion Trees* report from 2019, which estimates an average of 156 trees per hectare for all East Australian native forests, including some that are much more sparsely covered than the forests logged by Forestry Corporation, so it is a conservative figure.

Forestry rules mean that a few of those are retained for habitat, and that is how it gets to a conservative average of 140 trees per logged hectare. The so-called net profit from this destruction that was returned to the taxpayers was just \$400,000. That figure can be found in the Forestry Corporation annual report. Simple maths does the rest. That means we get to \$28 a hectare in net return, or so-called profit, for each hectare logged. What does that work out per tree? Twenty cents per tree. That is the net return to the people of New South Wales. None of those calculations includes the immeasurable damage to the climate and the ecosystems caused by logging. Putting to one side the beautiful nature of trees, think for just one moment of the destruction of an 80-year-old or 100-year-old tree, the destruction of habitat and the public investment in the growth of that tree. Chopping it down for a net 20c return to the public is nothing short of a crime. We do not need to do it.

The plantation industry is job-intensive. It is highly skilled and largely unionised, and it can produce the structural timber and other timber we need. Native forest logging is costing a lot to turn wonderful, beautiful public forests largely into low-quality woodchip. The only possible answer to that is to end native forest logging and to plan the transition of native forests to be managed for their environmental values, recreation, tourism and sustainable jobs for regional communities. When we need timber, let us get it from the sustainable, high-value, jobs-rich plantation industry. I commend the motion to the House.

**The Hon. SAM FARRAWAY (21:03):** I suspect the member knows that the Government opposes the motion. Mr David Shoebridge said he is using government figures, but the figures quoted by him from the back-of-his-envelope calculations bear very little resemblance to the reality. First and foremost, those numbers ignore the fact that selective harvesting means that the same areas can be harvested and regrown many times over and across a period of 100 years, if not more. It is not as if you harvest a tree and that is the end of it. I know that

is the position The Greens try to present. All this underlines, in my view, The Greens' lack of a complete understanding of the way that renewable and sustainable timber harvesting works in New South Wales.

Forestry Corporation manages public forests on behalf of the Crown, and that brings with it land management obligations. What this motion fails to acknowledge is that native timber harvesting and the management of the Crown estate more broadly are not mutually exclusive. We have proven that and we have proven that we can do both. Forestry Corporation already manages more than two million hectares of native forest for a range of public purposes, which includes recreation, tourism, biodiversity, pests and weed management, conservation, grazing and other sustainable timber production.

This has not just happened overnight. This is the way we balance highly selective harvesting of very selective parts of our native forests with a range of recreational activities, including BMX bike riding tracks, which have become far more of a feature within many of our native forests. We have shown that, as a government, we can manage pests and weeds, biodiversity outcomes, recreational activities and sustainably harvested timber from our native forests in a win for the Government, a win for timber communities and, at the end of the day, a win for the people of New South Wales. Clearly, I will be opposing the motion and so will the Government.

**The Hon. MICK VEITCH (21:06):** One of the things that Mr David Shoebridge said—not that I concur with it—was around the issue of plantation hardwood. When I was the shadow Minister with responsibility for forests a few years ago I pushed really hard for much larger estates of plantation timber. The Hon. Walt Secord is sitting beside me; he would have heard me many a time argue the case. We must do this. It does not matter which side of politics does it; we must invest much more money and much more effort into plantation hardwood. The reality is that we are not doing that. Portfolio Committee No. 4 is holding an inquiry currently into the sustainability of the forest industry and I am hoping that one of the things that will be picked up in the submissions and in the questioning will be just how much is being invested and how much we need to invest in our hardwood plantations in New South Wales. A hardwood plantation is not like a softwood plantation; you have to plan ahead for a lot longer because it takes a lot longer to grow.

**Mr David Shoebridge:** A minimum of 25 years.

**The Hon. MICK VEITCH:** I acknowledge the interjection. It is a minimum of 25 years and some of them will go up to 50. It is not an electoral cycle issue; it is cross-government. We have to invest heavily into plantations and we have to make sure we have those strategic plans in place now. And it is not just plantations on public land. There is a range of mechanisms that should be investigated for our hardwood plantations. We can engage with our farming fraternity around this, as I have done. We can have discussions with the local Aboriginal land councils, particularly on the North Coast, about how to maybe constructively use their land, because there are jobs in this. Mr David Shoebridge is correct: Job-intensive plantation hardwood is the way to go, but we need long-term investment and long-term plans for those forests. At this point in time the Opposition will not be supporting this motion. We are keen to see where the upper House inquiry goes, but in the longer term we should all get on board for more plantations.

**The Hon. WES FANG (21:08):** I oppose the motion. Native forests are selectively harvested, which means that only a proportion of the trees are removed during any operation.

**Mr David Shoebridge:** Ninety-five per cent.

**The Hon. WES FANG:** You were heard in silence, Mr Shoebridge. Quiet in the cheap seats. Listen and learn something. There are no Senate votes tuned in tonight.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! Interjections are disorderly and should not be encouraged by responding to them. Mr David Shoebridge will stop interjecting.

**Mr David Shoebridge:** Pointing is rude.

**The Hon. Bronnie Taylor:** Point of order: Madam Deputy President, you were making a ruling and for Mr Shoebridge to then interject again, defying your ruling, is unacceptable. Obviously it is late and everyone is under a lot of pressure, but let us all just take it easy and listen to Madam Deputy President. I take a point of order on Mr Shoebridge's recent interjection.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order. If Mr David Shoebridge could show a little bit more respect that would be appreciated.

**The Hon. WES FANG:** I admit only a portion of the trees are removed during any operation. Obviously this is in stark contrast to softwood timber harvesting where plantations are clear-felled, having been planted and grown with the specific intention of timber production. Any attempt to apply the same pricing or cost structure to native forestry and softwood plantations is fundamentally misleading and highlights a complete lack of

understanding as to how native forestry operates. It also fails to recognise that native forests and plantation timber are vastly different in all aspects, including forest management activities, the types of wood and products produced, and the markets they are sold into.

Native forestry harvesting has never been motivated by profits. Forestry Corporation of NSW manages public forests on behalf of the Crown and that brings with it community service obligations that are critical to the management of this estate, including weed and pest control, recreation and tourism, grazing, road maintenance and beekeeping. Of the two million hectares of native forest land managed by Forestry Corporation, half of that estate is already permanently set aside for environmental values and of the remaining half only around 1 per cent of that estate is harvested every year. That brings with it a considerable cost to manage the entire estate for the public, which is only partially funded through community service obligations. As a result, the driver of the hardwood operation is to be a cost-neutral division.

I seek an extension of 1½ minutes.

**Leave not granted.**

**Mr JUSTIN FIELD (21:11):** I appreciate the opportunity to make a short contribution to this debate. Despite his colourful contribution and the prepared notes no doubt provided to him by the agriculture Minister, I encourage the Hon. Wes Fang and his colleagues to get out into some of our native forests that are struggling, under the weight of the recent bushfires, and under historical logging and some recent logging as well. It does not look as the Hon. Wes Fang has presented. It is not this great biodiverse area. It is not this place where we see a coming together of sustainable harvesting and recreation. These are landscapes that are largely destroyed, particularly those areas that have been fire affected. I hear the Hon. Wes Fang say 1 per cent of the native forestry estate is harvested each year. These places take 30, 40 or 50 years to recover to a point that biodiversity can return. That means at any point in time about 30 per cent or 40 per cent of our native forest estate is at a stage that it does not sustain any reasonable form of biodiversity.

It does not make any money. In moving this motion the member is giving too much credit to the forestry industry. I certainly do not talk about it as providing any economic contribution to the State. We have not factored in at all the degree of effort that has to go into trying to regulate this industry and to put a facade of sustainability over it, and the amount of work that the NSW Environment Protection Authority has had to do in the past 12 to 18 months to try to monitor the Forestry Corporation of NSW and hold it to account. The Natural Resources Commission has now had to be brought on board to try to give that facade of sustainability some intellectual rigour, because there is nothing there from the Forestry Corporation. Hundreds of thousands, if not millions, of dollars go into trying to keep this industry regulated to the point that it is viable at all. That is more money that is coming off the bottom line and that is before considering the ecological and climate impacts of this industry.

The way this industry is operating in New South Wales is absolutely disgraceful. I hope that the inquiry will look heavily at native forest logging. I know there will be a big focus on plantation softwood as well. I think we need to reimagine the future of these forests as ecological and recreational reserves under a different form of tenure and land management system than we have currently with Forestry Corporation. We could sustain a boutique private native forestry industry and a targeted hardwood plantation sector that would produce jobs in the same locations at a higher volume than we have currently. The Deputy Premier has shown an absolute lack of imagination by not taking the opportunity presented by the bushfires to reimagine the industry. The Government is pretending it will invest possibly \$200 million to \$400 million to redevelop the hardwood and softwood sectors after the fires. Let us put that money into a different future for our native forest—one that is about sustainability and recreational and economic futures for our regions.

**Mr DAVID SHOEBRIDGE (21:14):** In reply: I will address some of the contributions made in response to this motion. The two Government members failed to acknowledge that every single figure in this motion comes from Forestry Corporation's reports. There seems to be some kind of strange scepticism from them about how to find those figures. I urge them to read Forestry Corporation's annual report and the so-called sustainability report. I have even told them where to find the figures in the sustainability report. These are numbers from Forestry Corporation. Bizarrely, as National Party MPs they are meant to be concerned about forestry, but they do not even know the basic financial details from Forestry Corporation's report. It is no wonder because it is so deeply embarrassing—a net return to taxpayers of 20c or less per tree. They are supporting an environmental and economic crime.

We know that The Nationals' so-called solution is to pump another \$100 million or \$200 million of public money into this industry without any kind of business case or any understanding of whether it is a rational way to make good, long-term, unionised jobs in the regions. It is not. I know every job is precious in the regions, but the jobs that are found in harvesting public native forests are often highly insecure, non-unionised, contractor jobs. There is very limited job security. Native forest logging does not stack up when compared to the high wages and

good conditions in the plantation side of the sector, which includes all the downstream processing jobs in regional New South Wales, which are unionised, highly paid, dependable jobs. It does not stack up economically and it does not stack up on the environment.

The Nationals are betraying their own electorate when they respond to this motion without ever once contesting any of the figures, other than in some high-level dismissal because they have not read the figures. But that is no surprise because we have seen The Nationals do that decade after decade. They sign up with big corporate agriculture and strip the jobs and environmental values out of regional New South Wales. They do not care about pretending to their constituents. This is not the answer for regional New South Wales. If it wants sustainable jobs in regional New South Wales it should invest in forests, not log them. It is no good for taxpayers, it is no good for the forests, and in the very short run—and long run—it is no good for regional jobs in New South Wales. I commend the motion.

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

**The House divided.**

Ayes .....5  
Noes .....27  
Majority.....22

#### AYES

Boyd  
Faehrmann

Field (teller)  
Hurst

Shoebridge (teller)

#### NOES

Amato  
Banasiak  
Borsak  
Buttigieg  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway (teller)

Harwin  
Jackson  
Latham  
Mallard (teller)  
Martin  
Mitchell  
Moriarty  
Moselmane  
Nile

Poulos  
Primrose  
Roberts  
Secord  
Sharpe  
Taylor  
Tudehope  
Veitch  
Ward

**Motion negatived.**

#### *Documents*

### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

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

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

That private members' business item No. 1285 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (21:28):** I move:

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Minister for Better Regulation and Innovation or the Department of Customer Service relating to the real estate licence of Mr Daryl Maguire:

- (a) all reports, briefings, memorandums, emails, and correspondence relating to the real estate licence provided to Mr Daryl Maguire;
- (b) all reports, briefings, memorandums, emails, and correspondence relating to all investigations undertaken by the Department of Fair Trading regarding real estate activities undertaken by Mr Daryl Maguire;
- (c) all reports, briefings and memorandums, emails and correspondence regarding all property transactions made by Mr Daryl Maguire; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I could go on for an extended period about the travails of the disgraced former member for Wagga Wagga. But, given the hour and time, I will restrict my comments this evening to explaining why the Opposition is seeking this important information. In budget estimates we have raised the issue of what investigations were made after it was revealed that the former Liberal member for Wagga Wagga was clearly taking commissions and acting as an intermediary in property transactions.

Other people who do this in New South Wales are required to be licensed under the law. They are required to conduct professional development and attain certain qualifications. Instead, the disgraced former Liberal member for Wagga Wagga was gallivanting around the western suburbs of Sydney making property deals, taking commissions, taking cuts and telling his then partner about it—and yet from what we can tell there has been no investigation from the Department of Fair Trading. That is absolutely disgraceful and the Opposition wants to get to the bottom of it. We want to find out.

The concerns have been raised in the Parliament and in budget estimates, and we want to know what the department is doing. While others in the real estate industry are constantly being scrutinised and their activities are under investigation, they want to know what is being done to hold this former Liberal member of Parliament to account. Despite being a member of Parliament, he clearly had time to conduct property deals on the side. I leave it there and commend the motion to the House. I really hope that the Government will not oppose this call for papers to try to get to the bottom of this disgraceful saga because it has nothing to hide about what has happened.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I call Minister Tudehope.

**The Hon. Mark Buttigieg:** Defend the indefensible, go on.

**The Hon. Walt Secord:** Come on, defend Dazza.

**The Hon. Mark Latham:** Maguire apologist.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:30):** Madam Deputy President, will you stop the interjections before I start?

**Mr David Shoebridge:** We can't interject before you start.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** There is nothing to interject yet.

**The Hon. Walt Secord:** You provoked him.

**The Hon. DAMIEN TUDEHOPE:** He is provoking me. The Government does not oppose the Opposition's call for papers under Standing Order 52 relating to the real estate licence of Mr Maguire. The Hon. Courtney Houssos' motion seeks:

... the following documents created since 1 January 2017 in the possession, custody or control of the Minister for Better Regulation and Innovation or the Department of Customer Service relating to the real estate licence of Mr Daryl Maguire:

- (a) all reports, briefings, memorandums, emails, and correspondence relating to the real estate licence provided to Mr Daryl Maguire;
- (b) all reports, briefings, memorandums, emails, and correspondence relating to all investigations undertaken by the Department of Fair Trading regarding real estate activities undertaken by Mr Daryl Maguire;
- (c) all reports, briefings and memorandums, emails and correspondence regarding all property transactions made by Mr Daryl Maguire; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

That is the motion. This is it; this is what the Hon. Courtney Houssos is after. To put it simply, the Government does not hold anything. There is no evidence on any register to suggest Mr Maguire has ever been given a real estate licence in New South Wales.

**The Hon. Courtney Houssos:** Which is the problem.

**The Hon. DAMIEN TUDEHOPE:** It might be a problem, but the Hon. Courtney Houssos is seeking papers and I am telling her there are no papers. The honourable member has just been appointed the shadow Minister for Better Regulation and clearly she is just starting in the role. This is the new strategy for those opposite—and I get it—that they see all these things. But first of all they have to ascertain whether the order will serve any functional purpose. I can tell the member now that the way this motion is drafted, there are no documents. She could have asked us earlier—no documents.

**The Hon. Mark Buttigieg:** How do you know?



**The Hon. DAMIEN TUDEHOPE:** I do know. I am telling her—no documents. The Government will happily comply with the order and release a blank document that will fulfil this request pursuant to Standing Order 52. I will save those opposite the trouble.

**Mr DAVID SHOEBRIDGE (21:33):** What is troubling about that contribution from the Government is that one of the requests is for "all reports, briefings, memorandums, emails, and correspondence relating to all investigations undertaken by the Department of Fair Trading regarding real estate activities undertaken by Mr Daryl Maguire". Mr Daryl Maguire has been recorded by the ICAC telling the Premier that he was getting a commission for a real estate sale. He seemed very excited about the commission; the Premier seemed very excited about the commission. They had a happy moment.

It is unlawful to get a commission on the sale of real estate unless one has a real estate licence. What he did was unlawful on the face of it. It was a breach of the public and clearly identified laws that the Department of Fair Trading is meant to be enforcing. But we found that there has not been a single report, briefing, memorandum, email or piece of correspondence to or from the Department of Fair Trading regarding this matter. Who is policing it? Are other members of the Coalition out there trading real estate and getting commissions?

**The Hon. Damien Tudehope:** Yes. Think about that.

**Mr DAVID SHOEBRIDGE:** Yes? I note the interjection.

**The Hon. Damien Tudehope:** Think about it, mate.

**Mr DAVID SHOEBRIDGE:** Are they real estate agents? Is there an investigation done?

**The Hon. Damien Tudehope:** You're the lawyer.

**Mr DAVID SHOEBRIDGE:** If those opposite have a defence for this, let us hear it. I think that is what the Hon. Courtney Houssos is asking. Did anyone investigate whether there was unlawful trading by Daryl Maguire reported through to the Premier? It seems to be that the answer is no; those opposite never looked at it. They just dug their heads in the sand and hoped it was all fine. If that is the way they are going to regulate the real estate industry and that is their idea of protecting the public interest, then good luck to the rest of New South Wales.

**The Hon. MARK LATHAM (21:35):** One Nation supports this Standing Order 52 motion. I commend the new shadow Minister for her industry and dedication to establishing the facts. What we do know is that in 2014, when Daryl Maguire announced to the member for Willoughby that he had sealed a real estate deal and taken a commission, she announced "Woo-hoo!" It sounds like they threw a little party about it—woo-hoo, happy days, glory times! It may well be that when Daryl Maguire went out to the Cawdor site with Country Garden he was not only trying to get a housing redevelopment there, way ahead of schedule, but also giving them advice about agistment. He probably needed a stock agents licence as well—the Standing Order 52 should be extended for that.

When he was walking around the paddocks at Cawdor he might have rung the member for Willoughby and said, "We've got a deal coming here." Maybe she said, "Woo-hoo!" and threw another party. When he was with Louise Waterhouse at Badgerys Creek, spivving around trying to get cheap land developments for big profit at the expense of people in western Sydney, maybe he again rang the member for Willoughby and she said, "Woo-hoo!"—and on it went. Maybe Charlie Demian in Canterbury and Matt Daniel—apparently the development consultant of choice for every spiv in the Liberal Party—were other "Woo-hoo!" moments. I think we need to find out what the papers say because this bloke's unreasonable, spiv, crooked interests in land development in western Sydney were just off the radar.

The fact that the Premier, time after time, knew about this, had discussions about it and seemed to condone it is an absolute disgrace. The truth about Gladys Berejiklian is she should not be Premier of New South Wales. I know in the COVID-19 environment she gets good coverage on that front from some of the pom-pom wavers down in the press gallery—perhaps until today, when we found out the truth about the unvaccinated driver out of Sydney airport. The truth about the Maguire thing is that those who have read the thousands of pages have seen the disgraceful conduct of a Premier who knew the member for Wagga Wagga was up to no good, time after time, at the expense of people whom I know well in Cawdor and Badgerys Creek and whom others know well in Canterbury and Camellia. It just makes me sick in the stomach to know what went on without any report under her statutory duty to ICAC.

So I commend the shadow Minister for pursuing this matter. It is true that sometimes it is frustrating in public life. The media do not take an interest because they cannot look beyond their own shoes; others do not really research. It is out of fashion now among the fourth estate to actually read documents and go through material forensically. The ABC and *Four Corners* did a wonderful exposé about politics in New South Wales and deal

making involving the casino and James Packer 10 years ago. We are waiting for *Four Corners* to do its Maguire exposé in 2031, when it finally gets around to it. Meanwhile, it is up to the upper House to be the House of scrutiny. I commend the shadow Minister. One Nation will be supporting this Standing Order 52 motion.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. SHAYNE MALLARD:** I move:

That private members' business item No. 1283 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.**

*Motions*

**HEALTHCARE WORKERS**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1268 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (21:40):** I move:

- (1) That this House notes that:
  - (a) nurses, midwives and all healthcare workers across New South Wales are facing significant challenges in their working conditions due to understaffing, low pay and COVID-19 conditions resulting in exhaustion, unreasonably heavy workloads and increased safety concerns;
  - (b) current COVID-19 vaccination efforts in New South Wales are placing further pressures on frontline healthcare workers by drawing casual staff away from hospital rotations and into vaccination hubs;
  - (c) a recent report by *The Lancet* found that Queensland hospitals subject to mandated shift-by-shift nurse to patient ratios of one to four saw significant decreases in mortality rates and length of stays for patients, and a reduction in patient readmissions; and
  - (d) on 8 June NSW Nurses and Midwives' Association members voted to stop work or close beds, resulting in stop work actions at Belmont Hospital and the Mental Health Centre at Waratah in the Hunter, Shoalhaven Hospital, Bowral Hospital, Blue Mountains District Hospital and Springwood Hospital and five ambulance bay beds closed for four hours at John Hunter Hospital in Newcastle.
- (2) That this House notes that on 10 June and 22 June paramedics across New South Wales went on strike, rejecting non-life threatening patient transport calls to protest being the lowest paid and most under-resourced paramedics in the country and to call for a 4.7 per cent pay rise.
- (3) That this House notes that the NSW Nurses and Midwives' Association, which represents over 72 000 nurses and midwives across New South Wales, is demanding:
  - (a) mandated shift-by-shift nurse to patient staffing ratios of one to three in emergency and paediatrics wards, one to four during day shifts and one to seven during night shift; and
  - (b) a pay rise of 4.7 per cent to ensure adequate staff retention levels and to recognise the increased stress and risk factors caused by COVID-19.
- (4) That this House recognises the invaluable contributions of New South Wales nurses, midwives and all healthcare workers to the safety and wellbeing of our community and supports the demands of the NSW Nurses and Midwives' Association for better pay and conditions.

This motion is about the wages and conditions that nurses, midwives, paramedics and other healthcare workers are facing in New South Wales. It calls on all members in this place to support the demands of the NSW Nurses and Midwives' Association [NSWNMA] for better pay and conditions for our healthcare workers. I have been on the rural health inquiry, which has had six hearings in regional New South Wales as well as one hearing in Sydney. We are about halfway through this process. Hearing the stories of nurses and healthcare workers about the conditions in which they have worked over a number of years now in the health system is absolutely appalling.

We are hearing stories of nurses who have dedicated the best part of their working lives to caring for people and to giving their all who are walking off the job, some of them literally by striking. But many, unfortunately, are resigning—not because they want to resign but because they really have no other choice. We are hearing stories of completely unacceptable conditions where nurses are unable to care for their patients because there simply is not enough nurses in our hospitals to give patients the quality of care that the nurses know they need to provide.

One demand that the NSW Nurses and Midwives' Association has been calling for for some time is nurse to patient ratios. It has been asking for ratios of one nurse to three patients in emergency, paediatrics and postnatal maternity wards, and a ratio of one to four in other wards. The association has said that to date the New South Wales Government has not sat down with it to negotiate on introducing nurse to patient ratios. Over the past few weeks we have seen nurses and paramedics walk off the job. I have some quotes from branch delegates of the association. NSWNMA councillor and Long Jetty Continuing Care Branch delegate Michelle Cashman said the situation was desperate and required urgent attention. She said:

It didn't have to come to this, but it has, because the Government is refusing to listen to us or negotiate with us about bringing in nurse to patient ratios. The Government's preferred staffing model is outdated and often fails to ensure that we've got the number of nurses we need on each shift. The health inquiry has heard of patients, particularly aged care patients in regional hospitals and multipurpose service centres, having to be cared for by kitchen staff—sometimes even by security staff—because the nurses are having to go to the emergency ward where potentially they are dialled in to a telehealth conference with a GP hundreds of kilometres away. Sometimes they have to care for those patients for hours, with the telehealth doctor, while no nurse is on duty to care for aged-care residents—possibly 10 to 12 at a time. The committee has had nurses and other staff in tears, pleading for more staff.

During the Budget Speech we heard incredible announcements about big, shiny hospitals and infrastructure. The doctors, nurses and residents of the regions are telling us that they need staff. Operating theatres in big, shiny wards are not open; they have no staff. The Government is building infrastructure without the staff to ensure that patients are taken care of safely. But, importantly, the incredible healthcare workers during this time of COVID are also able to care for patients safely. That is what the motion is about. I commend it to the House.

**The Hon. WALT SECORD (21:45):** As Labor's spokesperson on health in the Legislative Council, it is with pleasure that I support the motion moved by The Greens' health spokesperson, Ms Cate Faehrmann, about wages for nurses and paramedics and the need to support them properly. Members would be aware that I served as the shadow Minister for Health for almost five years. I enjoyed that time immensely. In particular, I enjoyed meeting doctors, nurses, surgeons, nurse practitioners, midwives, paramedics, pharmacists, cleaners, tea ladies, chiropractors, radiologists, speech pathologists and allied health workers who work to provide a world-class health service.

The recent health inquiry conducted by Portfolio Committee No. 2 – Health and chaired by the Hon. Greg Donnelly reminded me of the important role that nurses and paramedics play in the provision of health services, particularly outside Sydney, Wollongong and Newcastle. Evidence upon evidence provided to the committee showed that workers and paramedics are truly on the front line. They have immensely heavy workloads and safety concerns. Nurses told the inquiry repeatedly that they run from patient to patient. We heard evidence that one nurse was looking after 28 patients at one time. That was extraordinary. We heard about nurses having to rely on tea ladies and cleaners to sit in car parks with suspected stroke victims. We heard about paramedics providing first aid to patients in car parks. Unfortunately, in some parts of the State nurses and paramedics provide the only face-to-face health care that rural and regional people can rely on.

It was incredible. As *The Sydney Morning Herald* reported on its front page, the committee heard that from Friday to Sunday some hospitals had no doctors on duty. We heard about hospitals without doctors and about nurses having to personally source continence pads and insulin, and having to call other hospitals to get critical medical supplies to share amongst themselves. Our hearings in Deniliquin, Cobar, Wellington, Dubbo, Gunnedah, Lismore and Taree reminded us continually of the need to support nurses and paramedics. I pay tribute to Brett Holmes of the NSW Nurses and Midwives' Association and Gerard Hayes of the Health Services Union. They do an outstanding job for their members, putting them and their needs at the forefront of their activity. I thank Ms Cate Faehrmann for bringing the motion to the Chamber. This Government should support nurses and paramedics properly.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Before the Minister commences his speech, I remind members about the COVID-safe procedures in the Chamber: in particular, members must sit at a chevron and wear a mask unless they are addressing the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:49):** With the indulgence of the House I foreshadow that I will be seeking additional time to address some of the issues that have been raised. We need to put those important issues on the record. I acknowledge the seriousness of this motion because, on any view of it, the State owes a debt to the people who have been on the front line managing the COVID pandemic. We do not resile from any of the accolades that flow their way regarding their commitment to the people of New South Wales.

Firstly, it is important to deal with the issue of pay rates. The Premier and the Treasurer announced in the budget that hospital workers, paramedics and police who helped fight the pandemic are among the public sector workers who will receive a significant pay increase of up to 2.5 per cent in response to New South Wales'

economic rebound from COVID-19. The increase is significantly above private sector wage growth, with most recent figures trending at 1.7 per cent for the sector that employs the vast majority of workers in New South Wales.

The Public Health System Nurses' and Midwives' (State) Award already contains a framework adopted by NSW Health and the association that produces a ratio in certain wards, described as the Nursing Hours per Patient Day. The Nursing Hours per Patient Day staffing system provides a more flexible ratio than the rigid approach favoured by the NSW Nurses and Midwives' Association. There is no conclusive evidence that demonstrates another way of identifying ratios that is better than the Nursing Hours per Patient Day method. The complexity of a hospital and its patients, as well as the professional judgement of nurses and managers, is what decides staffing levels.

The Nursing Hours per Patient Day staffing system enables managers to exercise flexibility in allocating nursing staff where patient need is greatest, which ensures that the busiest shifts have the most staff and that local knowledge of workflows is taken into account in building the roster. The Government is committed to increasing the Nursing Hours per Patient Day requirement over four years from 2019-20 for medical and surgical wards in major and district hospitals from 5.5 and 5.0 respectively to six Nursing Hours per Patient Day. For adult acute mental health wards in specialist mental health hospitals, this will increase from 5.5 to six Nursing Hours per Patient Day.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! The Minister's time has expired. How long does the Minister need?

**The Hon. DAMIEN TUDEHOPE:** I seek leave for an extension of three minutes.

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** I thank members for their indulgence. The award also contains reasonable workload principles, including processes where workload concerns can be addressed. That means that rather than patient numbers alone, other important factors that affect safe staffing are considered. These include environmental factors such as equipment, models of care, clinical governance, policies and practices and consumer and carer engagement, as well as the work of other staff in multidisciplinary teams. The second issue is some of the other announcements that were made in the budget in support of the healthcare system. Since March 2020 the Government has committed more than \$4 billion to help transform our healthcare system. I acknowledge the point made by the member in her speech saying that it is no good having bright, shiny new hospitals if you do not have the staff to work in them. I accept that, and I will come to employment levels shortly, but the Government is well placed to manage the ongoing impacts of COVID-19 and respond to any further COVID-19 related issues.

The 2021 budget contains \$1.1 billion for the health system to manage the impact of COVID-19. That includes a variety of things relating to the additional funding, which I will not go through. The Government recognises the importance of making sure our frontline workers are provided with the appropriate equipment to feel safe and protected from COVID-19, and that is why we are investing such a significant amount—\$340 million—to procure personal protective equipment. This is the point. A record 54,405 nurses and midwives were working in full-time and part-time positions in NSW Health hospitals and health services as at June 2020. That equates to more than 49,000 full-time equivalent staff. Additionally, \$2.8 billion has been committed over four years from 2019-20 to boost the NSW Health frontline workforce by 8,300 full-time equivalent staff, including 5,000 more nurses and midwives. Between 2012-20 the nursing workforce in New South Wales increased by more than 7,600 full-time equivalent staff, or 18.2 per cent, to more than 49,000.

Finally, the funding provided for paramedics in the budget acknowledged intensive care paramedics, of whom 203 will be employed in regional New South Wales. Rates of pay for paramedics are reviewed periodically. Pursuant to an Industrial Relations Commission decision, paramedics were provided with a wage increase of approximately \$1,000, effective from 1 July 2020. I acknowledge the importance of the issue. It is incontrovertible that the Government has sought to address the need to support nurses, paramedics and staff in hospitals. I acknowledge the issues relating to the perception of understaffing of hospitals, but it would be untrue to say that this Government is not committed to nurses and paramedics in this State.

**Mr JUSTIN FIELD (21:56):** I support the motion moved by Ms Cate Faehrmann, which supports nurses, midwives and all health workers across New South Wales. It is unquestionable that they have had a tougher time than most, working in challenging conditions in hospitals and other healthcare settings. They have supported the New South Wales public through COVID-19 on top of ongoing health challenges that people have in their lives. Those healthcare workers are doing that in the midst of a pandemic while their own safety is on the line. This motion presents a good opportunity for us to acknowledge what they are saying to us. I have read the media reports about the inquiry that has travelled around the State.

Recently I attended a forum at Parliament House and listened to members and nurses of the NSW Nurses and Midwives' Association talk about their experiences in hospital settings. Quite a few MPs and about 60 members of the NSW Nurses and Midwives' Association were in attendance. Their stories were horrifying to hear. Before attending that forum I was not aware of how serious the circumstances were in hospitals. They were crying as they were telling their stories. The vast majority of them had suffered assaults at work, largely because there were insufficient staff to support patients who had needs. Maybe they had mental health needs and emergency mental health staff were not available. Maybe there was a need for more security, but ultimately they are understaffed and they are tired and worn out.

Some hospitals cannot get staff. Some administrators have cut staff. Some of the new facilities that have been built do not have adequate staff or have been designed in a way that requires more staff, but those positions have not been filled. There are inadequate training opportunities. Staff are leaving because they are worn out, so we are losing skills. People are being promoted into jobs before they feel they have the right skills, and that is putting them under more pressure. They feel that they are letting down their patients. They are not able to take breaks; they are missing toilet and lunch breaks. It went on and on.

Ultimately I asked, "What is the one thing that would really make a difference for you?" They all said, "It is ratios. We want the ratios mandated." That is the way that a lot of those issues and stresses are taken out of the system. I note that Government has said it is bringing additional staff on board, but I am hearing that the benefit of additional staff is not being felt. Either we need more staff, or we have expanded the services at a greater speed than the staffing that has been provided. At the end of the day our nurses, midwives and health professionals do not feel supported. I support the motion and all of its sentiments. I hope the Government heeds the message.

**The Hon. ADAM SEARLE (21:59):** I also support the motion before the House and associate myself with its contents. By way of full disclosure, I am a resident of the Blue Mountains, which is one of the areas where the stop work was identified. Also, I have a sister who is a nurse and my daughter is a fourth year nursing student who has worked at the vaccination hub at Homebush.

It is beyond any doubt and not a matter of controversy in this House that our community owes a huge debt of gratitude to all healthcare workers, from the cleaners making sure that hospitals remained free from infection—or as free from infection as hospitals can be—through to the paramedics, the first responders, the nurses and all the healthcare staff. We cannot really put a number on the debt we owe them, but it is equally true that saying thank you does not pay the bills. It is also quite clear that this Government's wages policy has been a straitjacket not only on public sector workers in this State over the past decade but also profoundly on the private sector in terms of wage outcomes.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! According to sessional order, proceedings are now interrupted to permit the Minister to move the adjournment motion if desired.

**The House continued to sit.**

**The Hon. ADAM SEARLE:** Today the McKell Institute released a research paper showing that Australian workers are approximately \$254 a week worse off when comparing the wages growth under the last Federal Labor Government to the wages growth under the current Coalition Government. For example, on average men would be paid \$310 more and women would be paid about \$152 a week more if wages growth under the Coalition had been the same as it was under Labor. The two key contributors to this situation were public sector wage freezes of the kind that New South Wales experienced with low rates of public sector wages and inaction on wage theft. It is notorious that State and Federal Coalition governments have not addressed wage theft in this State. Only Labor has a plan to do that.

I draw attention to paragraph 3 (b) of the motion and the pay rise of 4.7 per cent being sought. The current pay system in New South Wales cannot manage adequate reflection of skills development or the need to attract and retain skilled staff due to the pay cap put in place for the past decade. The time has come to scrap the wage cap and let an independent umpire set wages fairly in this State according to the needs and the justice of the case before the tribunal, based on the evidence.

**The Hon. MARK BUTTIGIEG (22:02):** Very briefly, I wish to highlight the injustice of what this motion points to in the context of the recent budget—a budget with record debt and deficit. Those opposite are always lecturing Labor Opposition members about what great economic managers they are. The budget shows that we have record debt and deficit, and that billions have been wasted on infrastructure blowouts. In addition, there is revenue gouging by increasing tolls and taking signs off speed cameras. Yet prior to the pandemic we had a wage cap of 2.5 per cent, which was barely enough to keep up with inflation for healthcare workers.

**The Hon. Don Harwin:** Oh, garbage. It exceeded inflation.

**The Hon. MARK BUTTIGIEG:** These are frontline workers who are paid less than most—and, I suggest, a tiny fraction of what is earned by the Minister who continually interjects. Nurses and paramedics are paid a fraction of the salary of the Minister and Leader of the Government in this House, who is now interjecting. They have been awarded an increase of 2.5 per cent—a rate that is barely enough to keep up with inflation—and during the pandemic this Government imposed a wage freeze of 0.3 per cent which, after inflation, effectively is a wage cut. The best that this Government can manage after the pandemic is a restoration of that already low trajectory of a 2.5 per cent wage rise. The motion specifically asks for quite a modest pay rise in the context of the recent history I have outlined—4.7 per cent for nurses and 4.7 per cent for paramedics. If that wage rise was granted, all it would do is put them on a trajectory to catch up to what they should have been on had they been justly paid historically.

Government members have the temerity to come in here and tell us what great economic managers they are while wasting billions of dollars on infrastructure blowouts and increasing tolls. It points to the priorities of a government that is prepared to boast about what a great economic manager it is, then when it comes to rewarding frontline workers, who exposed themselves to risk during the pandemic more than anyone in the Chamber, it cannot reward the very people who got us through the pandemic by giving them a decent pay rise instead of the pre-pandemic 2½ per cent. It is unacceptable. The motion speaks to that sort of wage justice and that is why the motion should be supported in the Chamber this evening. Those people deserve recompense for the sacrifices they make for our community.

**Ms CATE FAEHRMANN (22:05):** In reply: I thank everybody who contributed to the motion. Given that we are potentially about to enter into a situation in New South Wales where our healthcare workers—our paramedics as well as our nurses—will once again be under more stress due to COVID, it would be fantastic if all parties supported this motion. As the Opposition and crossbench members who have spoken on this motion said, it is 4.7 per cent in terms of a pay rise. There is historical injustice in terms of our healthcare workers being underpaid, particularly our nurses. There is no better time than tonight, as we are looking at a potentially stressful situation for our healthcare workers, to support the motion before the House.

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

**The House divided.**

Ayes .....20  
Noes .....12  
Majority.....8

#### AYES

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

#### NOES

Amato	Harwin	Poulos
Fang	Mallard (teller)	Taylor
Farlow	Martin	Tudehope
Farraway (teller)	Mitchell	Ward

#### PAIRS

Graham	Khan
Mookhey	Maclaren-Jones
Moriarty	Franklin
Primrose	Cusack

**Motion agreed to.**

*Documents***PRIVATE NATIVE FORESTRY PLANS****Production of Documents: Order**

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 1288 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (22:17):** I move:

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents (as referred to in answers to supplementary questions Nos 334 to 343 of Portfolio Committee No. 4—Industry, Budget Estimates 2020-2021 inquiry into Agriculture and Western NSW of March 2021), in the possession, custody or control of the Minister for Agriculture and Western New South Wales, the Minister for Energy and Environment, Regional NSW or the NSW Environment Protection Authority relating to Private Native Forestry Plans:

- (a) all current approved Private Native Forestry Plans;
- (b) all approved Private Native Forestry Plans provided on a fortnightly basis since 1 April 2021, (answer to question 336 (b));
- (c) all annual Private Native Forestry Plan areas provided since 1 January 2016, (answer to question 336 (c));
- (d) all Private Native Forestry annual reports provided since 1 January 2016, (answer to question 336 (b));
- (e) all minutes of bimonthly operations meetings held between Local Land Services, Environment, Energy and Science, the NSW Environmental Protection Authority and Department of Primary Industry Plantations since 1 January 2020, (answer to question 336 (c));
- (f) all documents provided since 1 January 2019 to the Commonwealth Department of Agriculture, Water and the Environment to inform Australia's State of the Forests reporting, (answer to question 336 (d)); and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a very simple motion. It seeks data about private native forestry in New South Wales. I think I have spoken about this issue to most of the members concerned. I am merely seeking data to help inform the inquiry that is kicking off in the next couple of months, which is an inquiry I am looking forward to. This is a really significant area we need to get right if we want to ensure the sustainability of hardwood timber supplied to mills across New South Wales and have a reliable product for the inevitable transition away from native forest logging. But this data simply relates to the existing private native forestry plans. I commend the motion to the House.

**The Hon. SAM FARRAWAY (22:18):** I oppose the motion by Mr Justin Field. Private native forestry [PNF] is an integral part of the timber industry in New South Wales and is increasingly vital for regional economies. The Government works closely with landholders and industry to ensure that PNF can contribute to the rebuilding of communities impacted by fire, and to support landholders and businesses to continue operations. As part of the development of its PNF approvals and advice services, there are systems and resources to match landholder and industry demand. This includes supporting landholders and private native forestry industries through any challenges they may face.

But it should be noted that a significant part of those approvals contain private information relating to individual landholders. As such it is a complete violation of their rights to privacy, should this information be made available in its currently requested form. If, by order of this House, documents were to be provided, the private information within the documents requested would be redacted prior to their release under this motion anyway. This means that the information would be rendered virtually useless and the whole exercise a complete waste of this Government's resources—the resources of the people of New South Wales.

Further, it is noted that the information requested in part (a) of the motion is a duplication of information requested in part (b) of the motion. Similarly, the PNF plan areas requested in part (c) of the motion is a duplication of the information in PNF plans requested in parts (a) and (b). The nature of the request places undue effort on providing information in the time frame requested that would add any value given to this duplication. Therefore, the unreasonable size of the request only fortifies our argument that it is a complete waste of the New South Wales Government's resources and, by extension, the public's resources. It is for those reasons that I oppose the motion.

**The Hon. MICK VEITCH (22:20):** I know this is the last item of the day and the contribution of the newly minted Parliamentary Secretary has been a regular refrain from members of the Government. I say to members of the Government who delivered those speeches that they might want to occasionally read the privilege boxes and sign the book so they actually know how this works. There is a well-utilised process around confidentiality, whether it be Cabinet-in-confidence or more likely commercial-in-confidence, private matters or matters of legal confidence.

There is a process in the Standing Order 52 request that ensures that information goes into a privilege box. The Standing Order 52 request does not necessarily mean the document is going to be made completely public. I suggest Government members, particularly the newly minted Parliamentary Secretary and the individual saying, "Hear, hear!" at the back of the cavern, go and have a look at the privilege box process and see how it works because they will have a better understanding of it. Then, when the speeches are handed to them from the advisers, they can adjust bits on their feet because the advisers have not had a look at the boxes either.

Having been a Parliamentary Secretary on that side of the Chamber, I know from time to time the good folk who are advisers will hand over speeches when they have not read them or they really do not care what the member will say on the public record. That is a bit of a caution. The Opposition will support the motion but there is a fundamental reason why. The Portfolio Committee No. 4 – Industry inquiry into the sustainability of the timber industry is an important inquiry that is not based on partisan politics. It is about mapping out the long-term strategic and sustainable course for forests in New South Wales, which is something all members in the Chamber want to get right. The motion will provide information to assist honourable members in the process. We will support this Standing Order 52 request.

**Ms CATE FAEHRMANN (22:23):** The Greens also support this call for papers. While I am not on the Portfolio Committee No.4 - Industry inquiry into forestry that members have referred to, I was on the inquiry that looked into koalas. We heard a lot about private native forestry and the impact on koalas, particularly the increasing reliance on private native forestry as a result of the impact of the black summer fires on both plantation and State forests as well as the overall impact of unsustainable logging in State forests for a long time. We heard several hundred thousand hectares of koala habitat are in these forests on private land. With two-thirds of koala habitat found on private land, it is extremely important for forestry on private land to be sustainable.

At the moment the restrictions around logging on private land are far less than the restrictions around logging in State forests that Forestry Corporation contractors have to abide by, even though there are reportedly a fair few breaches. We also know that there is not the transparency that is required of private native forestry. I echo the comments of the Hon. Mick Veitch that of course people's personal information is protected when the documents are released. But information about the extent of private native forestry, about the plans and about how much potential habitat is open for logging on private land is essential to know if the committee is going to do its work looking at how to make forestry on both public land and private land sustainable. I commend the motion to the House.

**Mr JUSTIN FIELD (22:25):** In reply: To be clear for the Government—and advisers who might be listening in their offices—I appreciate that some of the wording in the subparagraphs looks clunky. But this order for the production of documents is specifically worded to refer to answers to supplementary questions from the previous budget estimates. The wording in those answers is specific in the way it refers to the types of reports that are available. The wording in this motion simply reflects the way those answers have been provided to me and that is why I have referred to that answer. Hopefully that clarifies what is being sought: I am using the Government's own language. I do not expect private information—addresses or names—to be provided.

It concerns me that in answers to questions taken on notice and in direct questioning during budget estimates to both Local Land Services and the Environment Protection Authority there seemed to be a lack of knowledge held, even within the relevant departments, about areas of land that are subject to private native forestry [PNF] plans, the extent of harvesting and the volumes of timber. If we are going to make judgements as an inquiry about the capacity for private native forestry to play a role in managing what is a pretty long return to normal for the timber industry post-fires, that is basic information. I do not understand the resistance to this motion.

I do not move this motion to go after PNF; I am on the record time and again about the need for a sustainable native forestry sector. I might have different motivations from some for why I want that sector to work, but I am deeply concerned that there are bad apples in the sector. A lot of community dispute is building around private native forestry—neighbour on neighbour—because of a lack of information about how the sector is working. I am concerned that the Government has set the industry up to fail before it has even started. That is the intention of the motion and my interest in the inquiry, and the reason I am seeking those documents.

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

**Motion agreed to.**

*Adjournment Debate*

**ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE:** I move:



That this House do now adjourn.

### COVID-19 AND THE ENVIRONMENT

**The Hon. LOU AMATO (22:28):** During the global COVID lockdown most of us were too busy keeping up with restriction updates to notice the rapid change in our world's climate. We were too busy trying to grasp the rising death toll of a pandemic. The pandemic has placed a terrible burden on humanity, and many have suffered death and permanent disability due to COVID-19. However, in spite of all this, there were actually some health gains, albeit short lived. Due to widescale industrial shutdowns, our atmosphere began to rapidly recover from the temporary halt in emissions. In Europe it has been estimated that there were at least 11,000 fewer fatalities from air pollution. Cleaner air meant that 6,000 fewer young European children with maturing immune systems did not develop asthma. The Europeans also reported a reduction of about 1,900 children visiting hospital emergency rooms from pollution-induced asthma attacks. Surprisingly, 600 fewer children were born preterm.

The United Kingdom reported that two million people with respiratory conditions found breathing easier and experienced reduced symptoms. Satellite imagery showed huge reductions in smog belts over Earth's industrialised areas. For the first time in decades, residents in Kathmandu, Nepal, stared in wonder at the peaks of Mount Everest. Air pollution had obscured the view for so long that for many Kathmandu residents, the majestic view of Everest during COVID lockdown was a first. In Manila, the Sierra Madre could be seen again after decades of being veiled in smog. In Venice, Italy, the water in the canals became clear enough to see fish swimming along the banks. Swans returned to the canals and dolphins were spotted.

According to Pierpaolo Campostrini, the Managing Director for the Consortium for Managing Scientific Research on Venice Lagoon System, the reduction in air pollution meant "every kind of pollutants decreased a lot". Some have speculated that the increased water clarity may be a result of almost zero watercraft activity stirring up sediment in the canals. Whatever the cause, decreased human activity resulted in an astonishingly quick turnaround in water quality in the Venice canals. In these troubled times, the reports of clear skies and crystal waters give us great hope. The COVID lockdown and the reduction in emissions gave us a glimpse of a cleaner world. The knowledge learned seems to be, although we do not know for sure, that our planet has a greater capacity to heal than we had anticipated.

What are we to do with this knowledge we otherwise would not have attained but for the COVID lockdown? We must use it. Of late we have heard the term "zero emissions" from governments and industry. In reality no-one is opposed to it. We all want clean air and crystal waters. No-one wants smoky skies and murky waters. However, it may well be beyond our current technology or political resolve to achieve zero emissions. We must also be mindful of our economy, and our coal industry is vital for our economic wellbeing. Until we can restructure our economy to ensure that all workers in the coal industry are transitioned into new jobs, coal must stay. However, there is much we can do in the interim.

Carbon capture has already been implemented by many heavy industries, trapping carbon at the source and pumping it back into the earth whence it came. Carbon sequestration may well be a way we can have our cake and eat it too. Maybe our stance on nuclear power generation needs to change now and not after another 10 years of debate. Whatever we do we must be mindful of our fragile economy, which relies on coal to keep it afloat. Australia does not have a viable manufacturing industry to be of any economic significance. What is the most important thing we can do? We can offer the young people of today hope. Instead of frightening young people of impending doom, we can offer them hope. COVID lockdowns showed us that our Earth is resilient and recovers faster than we had ever imagined. Let us look forward with optimism that we will achieve a cleaner world, and assure our young people that we will find a solution to emissions and maintain our economic security. Our message to our youth must be, "Don't worry. Be happy. Have faith and hope in humanity. Your future will be a bright one."

### STATE BUDGET AND COST OF LIVING

**The Hon. COURTNEY HOUSSOS (22:33):** It has been just over 24 hours since the New South Wales budget was handed down, yet it already feels like so long ago. Today's count of 10 new COVID cases, along with 11 cases yesterday, has brought the count of the eastern suburbs cluster to 37. From 4.00 p.m. today, New South Wales is under the strictest restrictions since the early days of the pandemic last year. Restrictions are in place on household visitors; masks are compulsory indoors, even in workplaces; and residents in large parts of Sydney cannot travel out of our metropolitan area.

We have seen it here at Parliament House today. For the first time masks were worn by everyone in the Chamber, while several of our colleagues are in isolation. The building is usually buzzing on a sitting day, but a sombre tone descended throughout the afternoon as the news sunk in—not just about the numbers of cases, but also how easily it has been transmitted. In Australia, by working together we have been spared the devastation COVID has wrought in other countries, but today's events are a stark reminder of why we must remain vigilant. The new Labor Opposition leader in the other place, Chris Minns, has pledged bipartisan support for the

Government's response. We are all in this together. If there are questions to ask, we will ask them but let us get through this together first.

I return to the New South Wales budget announced yesterday—the eleventh budget from this tired Liberal-Nationals Government. It is based on tolls, taxes, fees and charges. Tolls are up by 8.1 per cent, fines are up by 7.3 per cent, payroll tax is up by 5.5 per cent and land tax is up by 5.2 per cent. On Monday, Labor revealed just how much drivers were being sluggish by the Liberals' and Nationals' secret speed cameras. After deliberately removing their warning signs, there has been a 1,599 per cent increase in low-range speeding fines, which are those given out for driving less than 10 kilometres per hour over the speed limit. From an average of 1,634 a month, the fines have exploded to a peak of 27,760 in March. As if that is not enough, now the Government plans to triple the time the secret mobile cameras are deployed on New South Wales' roads. That means the number of fines for exceeding the speed limit by less than 10 kilometres per hour could skyrocket to more than 83,000 a month. That is how this tired Government is funding its priorities.

When we scratch under the surface it is worth noting what has been left out of this budget. Labor asked questions in the House yesterday about the 30 school projects listed in the budget papers with no time line for construction or completion. Forster Tuncurry Public Hospital, which was announced with much fanfare before the last election, still has no time line for starting construction, let alone a date when it will admit its first patient. And for the families of those 150,000 children who attend our 3,309 long-day care centres in New South Wales, for all of the promises of free preschool there is no assistance, while their tolls and taxes increase.

Just over a week ago I was appointed NSW Labor's shadow Minister for Better Regulation and Innovation. I was surprised to see that although there is still flammable cladding on 372 buildings across New South Wales, there is not a single mention in the budget papers of the Government's program to remove it. The Government has not given any money or expert advice to homeowners, so why start now? But the biggest omission is housing affordability. This year, for the first time, stamp duty became the primary source of tax revenue for the New South Wales Government, yet the budget had nothing to address the biggest issue facing so many families across our State. It is literally the hottest topic at barbecues, at school pick-ups and at weekend sports games across the State. Since March last year house prices have increased across the board by 9.3 per cent in Sydney and 9 per cent in the regions, yet this Government has no plan to help home buyers, especially those trying to get into the market.

In last year's delayed budget the Treasurer announced with much fanfare his proposal to overhaul stamp duty. Yet just months later he is crab-walking away when it was exposed that it was just a tax on the family home—just like the Government is finally abandoning its disgraceful plans to cut the pay of our frontline workers, who are the true heroes of this pandemic. New South Wales needs an ambitious plan for life after COVID. We need a plan so we are better off than before the pandemic and better off than we were 10 years ago. We should be creating well-paying, secure full-time jobs, developing new industries and giving the people the skills they need to fill the vacancies businesses have right now.

### **TOMERONG QUARRY**

**Mr JUSTIN FIELD (22:38):** I put on the record the ongoing frustration and anger of many Shoalhaven ratepayers about the historical compliance failures of Shoalhaven City Council regarding the Tomerong Quarry and the actions of certain councillors to prevent an investigation into those compliance failures. These actions have now left ratepayers of the Shoalhaven facing a future costly legal dispute or potentially a multimillion-dollar rehabilitation bill. For almost two decades the Tomerong community have battled to have council address systemic breaches of the quarry's conditions of consent. These breaches include quarrying and exporting at rates far in excess of approvals, illegal dumping of asbestos, illegal importation of contaminated materials, illegal sale of overburden, failure to suppress dust and illegal construction of a dam.

In January and February 2017, after years of community agitation, council staff conducted an investigation. The quarry ceased operations in July that year. In October 2017, 19 breach notices were issued for offences in 2015 and 2016 only. These fines totalled \$114,000. Councillors were not told about the findings until after the investigation was finalised and fines issued. The investigation report remains secret and sealed from public view under a claim of legal privilege. The community was furious that prosecution was not pursued and the penalties were between just 5 per cent and 10 per cent of the maximum possible.

The council has stated in recent correspondence that these decisions were based on a staff assessment about a low likelihood of success in court because "no prior regulatory action or formal warnings had been given to the operators". That is an extraordinary admission given the long history of community complaints about the quarry's operations. Questions on notice were asked by Councillor John Levett in January 2018 regarding the investigation and outcome. A response in May that year triggered the council to agree to commission an independent external investigation.

Shoalhaven Independents Group councillor and former mayor Greg Watson was the only councillor who opposed the investigation. A month later a majority of councillors, including all of the Shoalhaven Independents Group councillors who previously supported the investigation, inexplicably reversed their decision and the investigation was blocked. Following the rescission, the then general manager of Shoalhaven City Council wrote to community representatives conveying his apologies on behalf of staff for their role in not achieving the expectations of the community, citing a lack of compliance staff and budget, and a lack of direction from council. He concluded:

No doubt you would be disappointed ... council did not agree to commission an "independent investigation" however you are also aware, I am sure, of other authorities such as the Ombudsman or ICAC that you may wish to contact should you believe that some form of further scrutiny is necessary.

It is worth understanding a little of the background. The quarry was approved in 1990. The land on which the quarry is based was purchased by the Commonwealth Indigenous Land Corporation in 1998 and is leased to In-Ja-Ghoondji Lands Incorporated, an Indigenous corporation set up to provide economic opportunity and housing to Indigenous families. The land was sold to the Commonwealth by the quarry operator, who then leased the quarry back from In-Ja-Ghoondji Lands Incorporated. The quarry has changed hands and the development consent was modified on multiple occasions. My understanding is that the accountant for In-Ja-Ghoondji Lands Incorporated is also the accountant for the Shoalhaven Independents Group. I am making no allegation in regards to those circumstances but it is indeed a curious situation.

One of the key compliance issues was the illegal sale of overburden which was to be retained on site for rehabilitation purposes. The council has acknowledged that in August 2012 it instructed the quarry to cease selling this overburden as it had no approval to do so. It is understood that approximately 850,000 tonnes of this product was sold and would have netted substantial profits to the operator. I understand that no action was taken by Shoalhaven City Council regarding this breach. The council has confirmed that, now that the quarry operations have ceased, responsibility of rehabilitation falls to In-Ja-Ghoondji Lands Incorporated. In the event that In-Ja-Ghoondji Lands Incorporated cannot make good the rehabilitation requirements, the council's options are to take court action against them or to complete the works itself. Local residents have put the cost of replacing the sold overburden as high as \$15 million.

There remain serious questions about what has happened here. What were the circumstances that led to these calamitous compliance failures? Was it just a lack of resources or something more? Why did the majority of councillors reverse their decision and oppose an external investigation into this matter when the financial risks that are associated with these failures are now so high and expose Shoalhaven ratepayers to future legal bills or massive multimillion-dollar rehabilitation costs?

### WAGGA WAGGA SPECIAL ACTIVATION PRECINCT

**The Hon. WES FANG (22:43):** Last month I had the great pleasure to join the Mayor of Wagga Wagga City Council, Greg Conkey, OAM, and the member for Wagga Wagga, Dr Joe McGirr, to announce the New South Wales Government's funding for the delivery of this State's second Special Activation Precinct. Special Activation Precincts are the New South Wales Government's bold commitment to economic growth and prosperity in regional New South Wales. To keep our communities growing, we need to bring in more business and jobs. We need long-term vision, futureproof plans and a commitment to investing in our regions. The \$4.2 billion Snowy Hydro Legacy Fund is a once-in-a-lifetime opportunity to invest in major and transformative projects across regional New South Wales. It is allowing us to deliver the critical infrastructure that our regions deserve.

Following the completion of the master plan for the Wagga Wagga precinct, the New South Wales Government has committed a further \$137 million for core infrastructure to get businesses set up sooner in Wagga Wagga. This is in addition to the \$20.6 million I announced in November last year and represents a total commitment to Wagga of almost \$158 million to date. The Special Activation Precinct will incorporate the Riverina Intermodal Freight and Logistics Hub and will transform about 4,500 hectares into a dynamic area to do business in New South Wales, Australia and all around the world. Wagga Wagga City Council has done a great deal of work on developing the Riverina Intermodal Freight and Logistics Hub and the Bomen Industrial Park, which is already a very dynamic enterprise park. The precinct will build on this hard work to establish Wagga Wagga as a sustainable hub of high-value production and manufacturing. Its products will be able to reach 75 per cent of Australian markets overnight once the inland rail is complete. It also offers great value for money for investors, with serviced land costing just 5 to 10 per cent of that in metro areas.

The precinct capitalises on Wagga Wagga's location as New South Wales' southern gateway and is central to Australia's richest food and agricultural region, the Riverina. The 4,500-hectare Wagga Wagga precinct targets businesses in freight and logistics, agribusiness, advanced manufacturing, innovation, skills and education, and renewable energy and recycling, with a focus on sustainability. We are bringing government investment and we know that whatever we put in will attract 10 times its value in private investment, which will flow into the local

and regional economy. Investment interest is already very high and the final delivery plan will be the last link to enabling fast-track planning approvals to get businesses up and running in the precinct. Riverina Oils and Bio Energy, Teys Australia, ProWay Livestock Equipment, Southern Oil Refining and Enirgi Power Storage are fantastic examples of the many successful businesses that already exist or are establishing on site.

The Special Activation Precinct will encourage more businesses to expand, meaning more jobs, more investment and more opportunities for the local economy and community. The Special Activation Precinct will provide physical infrastructure as well as business development and investment support, which will help businesses establish and grow with confidence. In the next 20 years, the Special Activation Precinct will create up to 6,000 jobs. It truly is a landmark initiative for the Riverina. Regional New South Wales is a great place to live, work and raise a family. We also want it to be an attractive and profitable place for businesses to set up and grow. The Special Activation Precinct and Regional Growth NSW Development Corporation are going to make this happen. It is part of our vision to achieve long-term social and economic success for regional communities across the State. I look forward to seeing this precinct continue to grow and deliver innovative, sustainable and, importantly, economic prosperity to Wagga Wagga and the wider Riverina.

### MOBILE SPEED CAMERAS AND TOLL ROADS

**The Hon. MARK BUTTIGIEG (22:47):** The people of New South Wales have lost out in the budget this week. The Liberal and Nationals budget will see the cost of living increase, with tolls rising by 8.1 per cent annually and fees, fines and other costs increasing faster than wages. In 2021-22 New South Wales residents paid more than \$3 billion in fines and regulatory fees, which will only grow further. The Treasurer benefited from the stamp duty earnings coming directly from the hardworking people of New South Wales. It is extremely unfair that the Berejiklian Government's budget is offering little for families in our State whilst taking money out of their pockets.

The Berejiklian Government's tolls and speeding fines are only going to increase, while our residents are finding it increasingly difficult to afford a house and support their families. Labor leader Chris Minns and shadow Minister for Roads John Graham are leading the way in calling for fairness when it comes to tolls and speeding fines. The Liberals and Nationals have introduced secret mobile cameras and taken away warning signs for these cameras. An increase of 1,600 per cent has been seen for low-range speeding fines—under 10 kilometres per hour—since the Berejiklian Government's introduction of the cameras without signs. The Government only plans to deploy more, which will see skyrocketing fines for our residents.

Labor believes that this does not make our roads any safer. Warning signs and seeing police on our roads will change behaviour and get people to slow down, not secret cameras. The Government should be looking to increase police presence with further highway patrols to increase safety. Hitting the pockets of our tradies and families is not helping to protect people on our roads. Labor has rightly highlighted that the New South Wales Government has increased revenue twelvefold, from almost \$480,000 in March 2020 to \$6.3 million in March this year—and this has not saved one extra life in our State. Even the Hon. Wes Fang, a Nationals MLC, agrees with Labor's position. He stated, "The vast majority of the fines that have increased are 10 kilometres per hour and under. We are no safer." Thanks, Wes.

The Opposition wants this blatant cash grab to stop. Families are already struggling enough with the cost of living. Labor will abolish secret cameras and bring back warning signs. The Berejiklian Government has continued to hit our communities with tolls—and, unbelievably, they are only going to get higher and higher. Disgracefully, Sydney is the highest-tolled city in the world. The Liberal obsession with tolls is hurting families, workers and small businesses, which only serves to make people poorer. The Government is signing contracts for annual increases of 4 per cent with private operators when Treasury is predicting inflation to be much lower than that. This is completely unreasonable.

The Liberals introduced a big new toll of \$6.95 each way on the M5 East, which has been free since it opened in 2001. This is a big new toll on the same old road, which is absolutely ridiculous. Now hardworking people who are using the M5 East to and from work are being slugged \$3,300 a year in additional tolls. Appallingly, Liberal MPs for the electorates of East Hills, Oatley, Holsworthy and Camden have backed this outrageous cash grab. Labor built the road and the public has paid for it already. This is completely unfair to the people of south-western Sydney.

The tolls across our city substantially impact our truckies. The Transport Workers' Union has also rightly called for the toll to come to an end. Transport workers need relief, not more financial burden. When NorthConnex opened, one owner-operator said the new cost his business faced would be \$50,000 a year because he was on the wrong side of the NorthConnex. Labor is calling on the Berejiklian Government to not commit to any new tolling contracts with increases above the rate of inflation and to not introduce new tolls on existing roads. Working

families should not have to struggle to pay their bills. The secret speed cameras and toll mania need to come to an end.

#### WAYNE "HOLLYWOOD" EVANS

**The Hon. MARK LATHAM (22:52):** When Wayne Evans was in the NSW Police Force he was known as "Hollywood" for his love of the limelight and publicity. Now "Hollywood" Evans has found his true niche as an anti-Neville Wran rent-a-quote merchant on the ABC. Why in his dotage Evans feels the need to run a weird, inaccurate and vengeful campaign against someone who ceased to be Premier 35 years ago is hard to know. Evans appeared as an all-purpose anti-Wran mouthpiece on the ABC's fake-news Luna Park Ghost Train series, even though he had absolutely zero to do with the events 42 years ago or any of the police and coronial inquiries that followed.

The show itself was a debacle, giving cruel false hope to grieving families that something other than an accident caused the fire at Luna Park. Even though no-one saw bikies light a fire or even knows the names of the park attendees who were supposed to be bikies, the show tried to say that bikies had caused the arson on order from Abe Saffron, who was acting in collaboration with Neville Wran and Lionel Murphy to turn Luna Park into a high-rise housing development. No-one has any evidence of Saffron ordering a fire at Luna Park, bikies or not, nor of Wran or Murphy having any interest whatsoever in the matter. But in quote after quote Wayne Evans played along in ABC fantasy land in the weirdest conspiracy theory in the history of New South Wales politics—that a serving Labor Premier acted with a Kings Cross crime boss to murder children on the ghost train ride. Biggie and Tupac, the moon landing or Elvis living next door to Adolf Hitler in Argentina have nothing on this.

This is not the only Wayne "Hollywood" Evans conspiracy theory in the news. In the memoirs of the bitter and twisted Clarrie Briese, Evans claims he has new information on the matters covered by the Street royal commission into Neville Wran and the *Big League* program. On the day of the committal hearing of Kevin Humphreys, Evans says he saw Wran in the court car park near the car of the chief magistrate Murray Farquhar. The fact that Wran's diary accounts for all of his movements on that day—11 August 1977—has not worried Briese and Evans. The fact that Wran's driver and security detail would have known of such a visit to the Central Local Court House does not concern these fantasists. Briese and Evans have no credibility in anything to do with Neville Wran or Lionel Murphy.

In both the Luna Park and Farquhar-Humphreys inventions, Evans is the common poisonous thread. In both the Luna Park and Clarrie Briese allegations against Murphy, the common, discredited fiction lies in the use of the notorious "Age tapes". Increasingly, these look like a complete fabrication. We know from Briese's recent book that he got his copy of the Age tapes from Bruce Baird, then a State Liberal MP for Northcott in the other place, now a woke fogey down at The Australian Club. That is all we really need to know about the ABC-Briese-Hollywood-Evans pursuit of Wran. It is all politics. It is all poisonous. It is the demented invention of this strange alliance between the Trot Caro Meldrum-Hanna and these other much older Wran haters in Briese and Evans.

Speaking of Evans, who went on to serve as a magistrate at the notorious Port Macquarie Court House, it is timely to raise the case of Jason Hooper, who in 2011 drove 110 kilometres on a dangerous stretch of the Pacific Highway as full as a boot—a breath analysis reading of 0.21—before crashing into a parked car. Magistrate Evans handled the case and let him off with no fine and no jail term. How could that happen? What influenced the magistrate to be so unbelievably lenient? There is one for Caro Meldrum-Hanna and the ABC investigative team to work out. Perhaps indeed the great gamekeeper so proclaimed was most likely a poacher.

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

**Motion agreed to.**

**The House adjourned at 22:58 until Thursday 23 June 2021 at 10:00.**