



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 13 October 2021**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Wednesday, 13 October 2021**

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

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

## *Motions*

### **CROSSBENCH MEMBER PAIRING ARRANGEMENTS**

**Mr DAVID SHOEBRIDGE (10:02):** I move:

That this House calls on all parties to cooperate to come up with a workable pairing system that applies to the crossbench, based on the arrangement in the Australian Senate, that allows crossbench members to be absent from the Chamber where needed to address pressing matters such as COVID-19 isolation and the like.

**Motion agreed to.**

### **BOURKE SHIRE COUNCIL AND ANIMAL WELFARE**

**The Hon. EMMA HURST (10:02):** I move:

- (1) That this House notes that:
  - (a) on 22 August 2021, it was reported that Bourke Shire Council had shot and killed 15 dogs in their care, including a mother and her newborn puppies;
  - (b) these animals were killed despite the fact that at least two rescue groups were willing to take them and find them loving homes, and were able to do so under the COVID-19 Public Health Orders; and
  - (c) Bourke Shire Council's actions have received worldwide condemnation, and appear to be in breach of the Companion Animals Act 1988.
- (2) That this House:
  - (a) condemns the cruel actions of Bourke Shire Council; and
  - (b) calls on the Minister for Local Government to prohibit the killing of animals in pounds and shelters where a rescue group is willing to take on their care.

**Motion agreed to.**

## *Committees*

### **SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES**

#### **Extension of Reporting Date**

**The Hon. ADAM SEARLE:** I move:

That the reporting date of the Select Committee on the Coronial Jurisdiction in New South Wales be extended to 29 April 2022.

**Motion agreed to.**

## *Motions*

### **WETHE15 MOVEMENT**

**Ms ABIGAIL BOYD (10:04):** I move:

- (1) That this House commends the global movement WeThe15, which:
  - (a) aims to build greater knowledge of, and break down, the barriers, discrimination and underrepresentation that people with disabilities face on a daily basis at all levels of society;
  - (b) is endorsed by 18 international organisations, including the International Paralympic Committee, International Disability Alliance and the United Nations Human Rights Committee; and
  - (c) recognises that 15 per cent of the world's population are people with disabilities.
- (2) That this House notes that, according to the Australian Institute of Health and Welfare's 2020 report entitled *People with Disability in Australia*:
  - (a) over 4.4 million people in Australia have a disability; and

- (b) there are significant data gaps in monitoring the compounded disadvantage and discrimination faced by people in Australia with disability who are Aboriginal or Torres Strait Islander, living in rural and remote locations, homeless, LGBTQIA+ and/or those who have suffered abuse.
- (3) That this House calls on the New South Wales Government to commit to join the global movement WeThe15 that is campaigning for disability visibility, inclusion, support and accessibility.

**Motion agreed to.**

### **POLICE REMEMBRANCE DAY**

**The Hon. WALT SECORD (10:05):** I move:

That:

- (a) Police Remembrance Day was held on 29 September 2021;
- (b) Police Remembrance Day is a day for police and the community to pause to honour officers whose lives have been cut short while performing their duty as a police officer, and this important day is also a time to remember police officers who have lost their lives through illness or other circumstances;
- (c) for the second year running, ceremonies were not conducted under normal conditions due to COVID-19 public health orders and this sombre occasion had to be therefore conducted remotely; and
- (d) in 2021 the Police Association of NSW [PANSW] is celebrating its 101st anniversary of founding and the *Police News* journal, the official publication of PANSW, will be celebrating its 100th year of publication.

**Motion agreed to.**

### *Committees*

### **PORTFOLIO COMMITTEES**

#### **Reporting Date**

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

That the resolution of the House of 8 May 2019 establishing the Portfolio Committees, as amended on 9 June 2021, be amended by omitting the words "report by the end of each calendar year" in paragraph 8, and inserting instead "report by the end of the financial year".

**Motion agreed to.**

### *Documents*

### **TAFE NSW COURSES**

#### **Tabling of Documents Reported to be Not Privileged**

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

- (1) That this House orders that, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on papers regarding courses offered by TAFE NSW, dated 6 August 2021, the following document considered by the Independent Legal Arbiter not to be privileged be returned to the Clerk of the Parliaments within seven days:
  - (a) document number "(a) (iii) and (b) (iii)" entitled *TAFE NSW FTE by campus spreadsheet* in the index of privileged documents returned from TAFE NSW on 21 July 2021, subject to redactions of information relating to 2020 and 2021.
- (2) That, on tabling, the document is authorised to be published.

**Motion agreed to.**

### *Committees*

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

#### **Extension of Reporting Date**

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

That the reporting date of the inquiry into the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 by Portfolio Committee No. 7 - Planning and Environment be extended to 18 November 2021.

**Motion agreed to.**



*Documents***TABLING OF PAPERS**

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

Data Sharing (Government Sector) Act 2015—Report of the Department of Customer Service entitled *Review of the Data Sharing (Government Sector) Act 2015*, dated August 2021.

I move:

That the report be printed.

**Motion agreed to.**

**UNPROCLAIMED LEGISLATION**

**The Hon. DAMIEN TUDEHOPE:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 30 October 2021.

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

**Ms CATE FAEHRMANN:** Via video link: By leave: I move:

That business of the House notice of motion No. 1 be postponed until Tuesday 9 November 2021.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE:** I move:

That business of the House notice of motion No. 2 be postponed until the next sitting day.

**Motion agreed to.**

**The Hon. ADAM SEARLE:** I move:

That business of the House notice of motion No. 3 be postponed until the next sitting day.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE:** I move:

That business of the House notice of motion No. 4 be postponed until the next sitting day.

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

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. DAMIEN TUDEHOPE:** I move:

That there be no take note of answers this day or on 14 October 2021.

**Motion agreed to.**

**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 order of private members' business this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. SHAYNE MALLARD (10:21):** I move:

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

- (1) Private members' business item No. 1329 standing in the name of the Hon. Robert Borsak relating to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill);

- (2) Private members' business item No. 772 standing in the name of Ms Emma Hurst relating to the Companion Animals Amendment (Puppy Farms) Bill;
- (3) Private members' business item No. 1309 standing in the name of the Hon. John Graham relating to an order for papers regarding health advice provided to the Public Accountability Committee;
- (4) Private members' business item No. 1336 standing in the name of the Hon. Daniel Mookhey relating to a further order for papers regarding the Transport Asset Holding Entity of NSW [TAHE];
- (5) Private members' business item No. 1350 standing in the name of Ms Cate Faehrmann relating to a further order for papers regarding flood plain harvesting;
- (6) Private members' business item No. 1337 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the NSW Generations Fund (Debt Retirement Fund);
- (7) Private members' business item No. 1345 standing in the name of the Hon. Mark Latham relating to an order for papers regarding water services for the Sydney Science Park proposal;
- (8) Private members' business item No. 1344 standing in the name of the Hon. Mark Latham relating to an order for papers regarding the Luddenham rail line and station;
- (9) Private members' business item No. 1334 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the WestInvest fund;
- (10) Private members' business item No. 1322 standing in the name of the Hon. Walt Secord relating to the Crimes Amendment (Display of Nazi Symbols) Bill;
- (11) Private members' business item No. 1353 standing in the name of Mr Justin Field relating to a further order for papers regarding forestry operations in public forests.
- (12) Private members' business item No. 1327 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding agricultural workforce planning for the 2020 and 2021 harvest seasons;
- (13) Private members' business item No. 1351 standing in the name of the Hon. Tara Moriarty relating to an order for papers regarding COVID-19 outbreaks within correctional facilities;
- (14) Private members' business item No. 1341 standing in the name of Mr David Shoebridge relating to the Constitution Amendment (Virtual Attendance) Bill;
- (15) Private members' business item No. 1346 standing in the name of the Hon. Mark Latham relating to an order for papers regarding the classification of the Hon. Brad Hazzard, MP, as a casual COVID-19 contact;
- (16) Private members' business item No. 1342 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Hassall Developments Pty Ltd;
- (17) Private members' business item No. 1307 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding the briefing of the new Premier;
- (18) Private members' business item No. 1317 standing in the name of Ms Abigail Boyd relating to the Intergovernmental Panel on Climate Change [IPCC] report;
- (19) Private members' business item No. 1310 standing in the name of the Hon. John Graham relating to an order for papers regarding changes to the Government's mobile speed camera program;
- (20) Private members' business item No. 1338 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding an audit of Uber;
- (21) Private members' business item No. 1303 standing in the name of Mr David Shoebridge relating to an order for papers regarding proposed changes to infrastructure contributions;
- (22) Private members' business item No. 1325 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the 2019 Gospers Mountain fire and bushfire hazard reduction;
- (23) Private members' business item No. 1347 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding the South East Bus Changes community feedback survey;
- (24) Private members' business item No. 1343 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding school infrastructure projects and land disposals;
- (25) Private members' business item No. 1335 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Investment NSW;
- (26) Private members' business item No. 971 standing in the name of the Hon. Adam Searle relating to the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021;
- (27) Private members' business item No. 1315 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Great Western Highway Upgrade between Katoomba and Lithgow;
- (28) Private members' business item No. 1308 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding the "Resilient Valley, Resilient Communities: Hawkesbury-Nepean Valley Flood Risk Management Strategy";
- (29) Private members' business item No. 1 standing in the name of the Hon. Mark Latham relating to the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019.

I indicate that with respect to private members' business items at paragraph Nos (2) to (9), (11) to (13), (15) to (21), (23) to (26), (28) and (29) it has been agreed that those motions will be considered in the short form format.

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

**Motion agreed to.**

### *Bills*

## **ICAC AND OTHER INDEPENDENT COMMISSIONS LEGISLATION AMENDMENT (INDEPENDENT FUNDING) BILL 2021**

### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Robert Borsak.**

### **Second Reading Speech**

**The Hon. ROBERT BORSAK (10:29):** I move:

That this bill be now read a second time.

I am pleased to reintroduce the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021. When talking about corruption within government, the conversation always goes back to Labor and Eddie Obeid—as if comparing corruption makes the Government look better. The fact is that Mr Obeid did a charcoal sketch of corruption in New South Wales and this Government has given us a Michelangelo. The intention of this bill is to provide further parliamentary oversight relating to the adequacy of funding for the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the NSW Ombudsman by allowing the annual appropriation of these bodies to be allocated separately from other agencies and that it include a contingency amount available for use in special circumstances.

The need for this bill is now more important than ever. When we previously debated the bill in this House it was unanimously supported by everyone except Government members. Regrettably, it was defeated in the other place, where the Government used its numbers. Given what has unfolded recently with the resignation of Gladys Berejiklian, one could argue that this was a deliberate strategy to undermine the work of the ICAC. Unfortunately for the Government, the ICAC is not a protection racket for this Government. It has once again shown that it is above any coercion and is a truly independent agency serving the people of this State. So the onus is on the Government to support the bill if it has nothing to hide. In fact, the onus is on the new Premier to support the bill—that is what it is really all about. Let us show that he is different.

Let us also be clear that this is not a money bill. We are again expecting the Government to object to this bill based on the spurious argument that somehow we are seeking to allocate or appropriate the privilege of the Government. That is not the case, and this bill reflects our approach perfectly. It forces the Government to consider proper independent structures for the future funding of these bodies for adequacy and long-term resilience—especially for the ICAC, which has pleaded for adequate ongoing funding and independence so that it can do its job without fear or favour of government.

The bill was drafted on the basis of the four recommendations that were made in the New South Wales ICAC special report *The need for a new independent funding model for the ICAC*. The report in itself was unprecedented and necessary as this Government, subject to close scrutiny by the ICAC, is not happy to properly conform. The bill gives effect to each of those four recommendations. Recommendation 1 proposes that the parliamentary oversight committee for the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission review the annual unbudgeted submissions of each agency and make recommendations as to funding priorities.

Recommendation 2 proposes that the annual budgets for the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission include a set contingency fund to address unbudgeted financial demands, with access to the fund governed by prescribed criteria and approval of the relevant parliamentary oversight committee. Recommendation 3 proposes that the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission be directly allocated their annual funding through appropriation legislation, rather than funding being allocated to the relevant Minister, so that they are not subject to reductions in funding during the financial year.

Recommendation 4, which is probably the most important recommendation, proposes that the New South Wales Government remove the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission from the Premier

and Cabinet cluster. Those four commissions were set up as independent statutory authorities with their own statutory charters. They were created by this Parliament and are answerable to this Parliament, not to the Executive Government. Yet we now find ourselves in a situation where each of these commissions is dependent on the Executive Government for funding. This should never have been allowed to develop and it certainly was not the intention of the Parliament.

If we had a government that was not as dodgy as this one we would not be worried at all. Instead, we have a government that has ignored good governance and has not taken ministerial responsibility seriously. It has indirectly sought to control particularly the investigative activities of the ICAC by strangling off funding needed to bring on inquiries or to finish inquiries on a timely basis. I turn to a quote that the ICAC commissioner gave in his opening statement when appearing before the Public Accountability Committee a few years ago. It goes to the very heart of what this bill is all about. The commissioner said:

It was most certainly not the intention of the New South Wales Parliament when it created the commission as a statutory corporation with a special charter, as a unique legal entity, that it would become subject to or dependent in any way on the Executive Government.

I find it astonishing that, having sought additional funding on the basis that it was urgent and essential, the commissioner was told by a senior bureaucrat words to the effect that the ICAC must learn to live within its budget like any other government agency. This is not an agency of the Government. This is an independent statutory authority created by this Parliament that should be independently resourced, through the Parliament and by the Parliament. This Government has known for many years now that parliamentary appropriations for the commission have been insufficient and that the amount from one year to another—or at any given moment—will vary.

It is unbelievable that we found ourselves in a situation where we had a sitting Premier who had given evidence to the ICAC inquiry about disgraced former Liberal MP Daryl Maguire—with whom she was in a secret five-year love affair and relationship—refuse to grant additional funds to the ICAC when requested. These requests were made during the investigation. It was not a good look for the former Premier and it was not a good look for this Government. To paraphrase the ICAC commissioner, the commission belongs to the people and it must not be undermined or constrained, either directly or indirectly, through resourcing issues. Of course, it is not just the ICAC that has had to beg for funding. The Law Enforcement Conduct Commission is in the same predicament. When asked what impact an additional 1,500 police officers would make, the Chief Commissioner of the Law Enforcement Conduct Commission, Michael Adams, said:

What it will mean is that we more brutally filter what we look at. We have to skim examine rather than actually examine a whole lot of complaints.

He went on to say that the commission is getting an increasing proportion of complaints coming from within the Police Force, whose members sometimes say, "We do not trust the police to investigate this. We want you to do it." Over the past couple of years we discovered that hundreds of millions of dollars have been thrown around and used to pork-barrel predominantly Liberal- and Nationals-held seats before the last State election, without any paper trail because the paperwork has been put through the shredder and the emails have been deleted. Yet the Commissioner of Police does not see a case to investigate. I am sure that many in this Chamber will have more to say when the bill comes back for debate next week. I will finish with one final quote from the ICAC commissioner. He said:

The principle of independence is the bedrock of the commission to its independence. It ensures that the commission and its officers undertake their functions free of control, free of interference, free of influence from the Executive Government, members of the Executive Government and public authorities of course all being subject to the commission's jurisdiction.

I commend the bill to the House.

**Debate adjourned.**

## **COMPANION ANIMALS AMENDMENT (PUPPY FARMS) BILL 2021**

### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Emma Hurst.**

### **Second Reading Speech**

**The Hon. EMMA HURST (10:39):** I move:

That this bill be now read a second time.

It is truly hard to believe that in 2021 puppy farming is legal in New South Wales. Puppy farming is the intensive factory farming of dogs to supply the pet trade industry. Female dogs are forced to pump out litter after litter in small, barren pens until their bodies can no longer cope. Because of the lack of exercise and the pressure on their

bodies to produce repeat litters, many dogs develop serious, painful health conditions. Many puppies born in these farms also suffer from behavioural and medical issues as a result of the terrible conditions.

A recent victim of the puppy farming industry was Strawberry the boxer. Strawberry died at a puppy factory in northern New South Wales when she was just 10 months old. She spent her entire life confined in a cage with bare concrete flooring. She was forced into pregnancy when she was just one year old. Long before Strawberry was born, this facility was raided by the RSPCA, but it was not shut down and it continued to operate because puppy farming is legal in New South Wales. When Strawberry went into labour, she managed to successfully deliver three of her puppies. But when she suffered complications giving birth, nobody got her veterinary help. She suffered in agony for days. Her mistreatment, made public by a whistleblower, was finally enough to get the RSPCA back into the facility, but it was too late. Strawberry was dead. Her unborn puppies had rotted inside her and her dead body was thrown over a fence, as though she were nothing more than a piece of rubbish.

This is the reality of puppy farming. There are many other stories like Strawberry's. Cruelty on these intensive factory dog farms will continue to happen as long as puppy farming remains legal in this State. Right now it is legal in New South Wales to set up a puppy farm with 600 dogs living in tiny pens and to force them to give birth to as many litters as their bodies can cope with until they die. There are no caps on the number of dogs, no requirements for minimum staffing and no caps on the number of litters any one dog can be forced to endure. And, disgustingly, if a dog is no longer considered profitable, they can be killed.

We do not even know how many puppy farms there are in New South Wales because the industry is so underground and poorly regulated. But we do know that the size and scale of puppy farming in New South Wales has increased since 2017 when the Victorian Government introduced legislation effectively banning this cruel industry. Even before the legislation came into effect, there were reports of puppy farmers moving over the border in caravans to set up shop in New South Wales and take advantage of our weak laws that fail to protect dogs from this cruelty. This situation has only worsened as the Victorian legislation has come into force and the demand and price for puppies has skyrocketed during COVID-19 lockdowns.

New South Wales is quickly becoming the puppy farming capital of Australia. We are seeing a huge influx of development applications, particularly in towns in New South Wales that are on the Victorian border. The town of Moama has had multiple development applications for mass breeding facilities over the past year, including for a 300-plus dog facility approved a few months ago. But this is not the fault of local councils, who are equally frustrated by the failure of the New South Wales Government to step up and do something about the growing puppy farm problem. Councils do not want to approve development applications for these mega puppy farms, but they are hamstrung by this State's weak animal protection laws. I have been contacted many times by councillors who are furious with the Minister's lack of response on this issue and who are calling for State laws, before their towns become cruel puppy farm hotspots.

The community is also furious. Almost every week my office receives a devastating call from someone who bought a puppy, often online or at a pet shop, who has become sick or sadly passed away. It is only at this point that they realise that they may have purchased from a puppy farm. Even for someone who does their due diligence, it can be very hard to spot a puppy farm because these businesses are set up to confuse and deceive the public about where their puppies are coming from. When I talk to these people, they are shocked to find out that, in fact, the companion animal breeding industry in New South Wales is almost entirely unregulated. They cannot believe that the New South Wales Government does not require breeders to be registered and regularly inspected under the law.

Large-scale puppy farms with untrustworthy practices now dominate the market in New South Wales. My office has also been contacted by small-scale breeders who say that puppy farms are damaging their businesses by selling sick puppies, driving prices up or down and creating distrust within the public. I have even been told that many puppy farm operators are not paying taxes. Smaller breeders, and the public, have been demanding legislative change, but the Government has simply ignored them. First, there was the NSW Companion Animal Taskforce Report in 2012, which recommended the introduction of a breeder licensing scheme and review of the *Animal Welfare Code of Practice: Breeding Dogs and Cats*. Then there was the 2015 Joint Select Committee on Companion Animal Breeding Practices in New South Wales, which the now agriculture Minister, Adam Marshall, personally chaired. This inquiry reiterated the need to implement the 2012 recommendations and also called for staffing ratios, restrictions on pet shops and other changes to improve oversight and traceability on breeders. None of these recommendations has been implemented, even now when the Minister's former recommendations sit within his own portfolio.

Instead, this year the Government decided to come up with its own solution and create a "puppy farming task force" designed to "crack down" on puppy farming. It totally backfired because, under New South Wales law, puppy farming is still perfectly legal. Without adequate laws in place, the RSPCA cannot shut these places

down. All that the task force has been able to do is inspect small-scale breeders, which is a perfectly legitimate activity for the RSPCA, but it is a far cry from the "puppy farm crackdown" promised by the Minister. At the end of the day, adopting from rescues, shelters and pounds is the truly safe and ethical option when it comes to finding a companion animal. And this brings up the other major problem with the puppy farm industry—it contributes to the oversupply of companion animals, many of whom end up in our already overcrowded pounds, where often they are killed. It is a vicious cycle and one that must be stopped, and that is what the Companion Animals Amendment (Puppy Farms) Bill 2021 will do.

I will now turn to the key provisions of the bill. Given our aim is to create consistency across Australian jurisdictions, and particularly between border States, many of the provisions of this bill closely follow the Victorian puppy farming legislation introduced in 2017, with some improvements. Like the Victorian model, this bill will not seek to introduce a definition of a "puppy farm" or introduce any bans on breeding per se. What the bill will do is introduce a suite of carefully constructed regulations which, when taken together, will stop large-scale, unethical puppy farmers from being able to operate. I should also note that, while the focus so far has been on puppy farming, the bill will regulate the conduct of both dog and cat breeders. Kitten farming is a known problem in New South Wales, albeit on a smaller scale, since there is less profit to be made in the sale of cats. So all of the provisions outlined in the bill apply equally to the breeding of kittens and puppies.

To start with, under the bill, all companion animal businesses will be required to register with their local council in order to legally operate. Breeding businesses will need to register, as well as pet shops and animal training, boarding and rearing facilities. The reason for requiring all companion animal businesses to register with their council is that we do not want puppy and kitten farmers to be able to dodge these new regulations by masquerading as other animal businesses. To make sure we are actually shutting down large-scale puppy farms, we need to regulate the whole field. The exception will be for individuals who have two or less female breeding dogs in their home. These microbreeders will not be required to register with the council but must still comply with the breeding code and other existing animal cruelty laws in New South Wales. They must also apply for a source number if they want to sell animals online. Councils will be required to inspect the sites of these companion animal businesses to ensure they comply with all relevant regulations and codes, both before they are registered and annually when registration is renewed. To cover the cost of these inspections, councils are able to charge these businesses an annual fee for registration.

The bill also introduces restrictions on who can operate a companion animal business. Council cannot register one of these businesses if the applicant has previously been found guilty of an animal cruelty offence either in New South Wales or interstate. It goes without saying that anyone who has committed such an offence should not be entrusted with the care of any further animals, let alone run a business with animals, which right now is still allowed to happen. Councils also have the discretion to refuse applications if the applicant has previously declared they are bankrupt or been subject to liquidation, is not in a financial position to meet the expenses of caring for the animals, or is otherwise deemed not to be a fit and proper person to run a companion animal breeding business.

Perhaps most critically, the bill will provide that council cannot approve a breeding operation with more than 10 female breeding dogs or cats. Anyone who tries to do so will be guilty of an offence. Putting caps on the number of female breeding animals was a key component of the Victorian puppy farming legislation and one that we must carry over into New South Wales. While developing the legislation, some people—including members of the agriculture Minister's own staff—have asked me, "What is the problem with having a 600-plus dog breeding facility, as long as their basic welfare needs are met?" My answer is this: You simply cannot give an animal a life worth living when she is locked in a barren commercial facility and treated like a breeding machine. In addition to the known health and behavioural issues associated with these types of facilities, the fact remains that the community will never accept the intensive factory farming of companion animals. The community wants to see animals in loving homes, where they are given the best possible care, and not kept in factories, where they are used as a mere means of production and profit. And that is what the cap will achieve: It will stop these mega facilities from being able to legally exist.

It is important to note that the cap of 10 female breeding animals does not just include animals kept on site at the breeding facility. Over the past few years, we have seen the rise of breeding arrangements where breeders send animals home with members of the public—either for free or at a heavily discounted rate—subject to strict contractual conditions that they be brought back a certain number of times for breeding. Some puppy farm operators have hundreds of these contracts at any given time. I have heard horror stories of when these arrangements go wrong. People have contacted my office saying they are legally forced to send their family dog off to breed over and over, even though the dog comes home malnourished or anxious. Another person said a breeder tried to force their dog to come in for mating, even though they had vet advice that another pregnancy would put the dog's life at risk. People who try to break these contracts are often threatened with legal action.

There are two issues here. First, we do not want to see people getting stuck in these contracts, especially when it is not in the best interests of the animal. To address this issue, the bill specifies that a person can exit one of these breeding arrangements at any time if they receive advice from a vet practitioner that the animal is unsuitable for breeding or if they pay the full market price for the animal. Second, we do not want to see dishonest operators using these contractual arrangements to get around the 10 breeding animal cap imposed by the bill by farming out animals to third parties and bringing them back on site for breeding. Unfortunately, we are already seeing this happen in Victoria in response to its 2017 puppy farm laws. With this in mind, the bill makes it clear that the cap on female breeding animals includes both animals kept on site as well as any animal subject to one of these contractual arrangements. So if a person has five female dogs subject to a contractual breeding arrangement, they can only have another five on site for a maximum of 10 female breeding dogs.

Another key element of the bill is that it will impose a maximum of two litters per breeding dog or cat. Right now, there is no cap on the number of litters a breeding cat or dog can have in New South Wales. Females can be forced to pump out litter after litter for their entire lives. This overbreeding can create significant health problems for both the mother and her offspring. In developing this provision we consulted with experts, who advised that any more than two litters could put the welfare of the animal at risk, which is why we have sought to impose this cap. On top of this, the bill also mandates veterinary check-ups, both before a mother falls pregnant and annually, to ensure all animals are receiving the proper care and are in a good state of health. It will also require that every breeder must have a health management plan created in consultation with a vet and must retire animals when they reach the maximum number of litters or are no longer suitable for breeding. All retired animals must be microchipped, desexed and either kept as companions or rehomed.

Another important way the bill will increase protections for companion animals is by introducing staffing ratios. It is shocking to think that right now these mega puppy farms around New South Wales with hundreds of dogs or cats can legally have just one or two staff members. Given the tendency of these businesses to pursue profit over and above animal protection, it is no wonder we are seeing cases where dogs are left severely neglected, without proper care or medical treatment. The bill will require there to be one staff member at the premises for every five animals kept on site.

Finally, I will turn to the issue of pet shops. Many people in the community are unaware that pet shops are simply smokescreens for puppy farms, serving as a way to hide the conditions puppies and their mothers endure. The reality is that reputable, registered breeders do not sell to pet shops. DOGS NSW prohibits its members from selling or supplying puppies to pet shops. So where are the animals in pet shops coming from? They are coming from puppy and kitten farms, often with very poor conditions. After Strawberry the boxer died, her surviving puppies were sent to a pet shop. The unsuspecting families who took home Strawberry's puppies would have had no idea of the terrible conditions they came from or the fact that they were inadvertently supporting the puppy farming trade.

With this in mind, the bill will prevent pet shops from selling dogs or cats, except from a rehoming organisation, which is already defined in the Act as including a council pound, the RSPCA, the Animal Welfare League and any rescue group registered with the Office of Local Government. This will allow pet shops to effectively operate as adoption centres and help take the burden off council pounds and animal shelters that are overrun with dogs and cats in need of good homes. It will also prevent pet shops from selling dogs under six months old and cats under eight weeks old. The public no longer supports animals being sold in pet shops in the traditional model. In fact, most ethical pet supply stores have switched to this model already. This still works as a profitable business as the income comes from the sale of items needed for the companion.

Clearly the pet shops still supplying animals from puppy or kitten farms are not voluntarily making the switch for ethical reasons—hence the need for this legislation. Industry argues that if we stop the sale of cats and dogs in pet shops, the selling of these animals will just move online to platforms like Gumtree. But the reality is that there is already an enormous online marketplace selling dogs and cats. And the animals being sold online and in pet shops are coming from the same source—puppy farms—which is why we need to crack down on both of these methods of sale in order to achieve real change and protection for animals. If we allow pet shops to continue to sell animals from unapproved sources, it will provide an avenue for puppy farming to continue illegally and underground.

To ensure illegal puppy farms are not able to hide through online platforms, the bill will require that all animals sold online must have a source number. The New South Wales Government attempted to introduce something like this in 2019, but it was poorly thought out and has only created confusion. The current legislation mandates that breeders must supply a microchip number or a breeder identification number when selling. This does absolutely nothing to help people make an informed choice. Any dog can have a microchip, even one that comes from a puppy farm. And while a breeder identification number might suggest to a member of the public that they are buying from a registered, small-scale breeder, this is not the case. Anyone selling animals can go

online and easily obtain a breeder identification number. There are no inspections and there is no verification of the conditions the animals are held in. In a recent investigation conducted by my office, we found over 400 puppies advertised with false numbers on Gumtree in just one month. Clearly the Government's regime has not been effective and it is failing the community, which does not want to financially support the puppy farming industry, and, of course, it is failing companion animals.

Under the bill, anyone looking to advertise a dog online must first apply for a source number. That applies not only to registered companion animal businesses but also to microbreeders, animal rescue groups and even private individuals looking to sell or give away an animal for free. Applicants for a source number will have to provide details of their qualification and experience in caring for companion animals, and they may be refused a source number if they cannot meet that requirement. This is primarily designed to catch out any dodgy backyard breeders trying to exploit this regime. As another layer of protection, if the council or enforcement agencies receive a complaint about an animal associated with a certain source number, they will be able to easily track down the location and check to make sure they are not a backyard breeder or illegal puppy farm. It provides a strong traceability regime for all animals sold online.

Finally, I touch on the enforcement provisions of the bill. The bill gives enforcement powers to councils as well as to the NSW Police Force, RSPCA NSW and the Animal Welfare League. If an enforcement officer determines that a proprietor is contravening a provision of the bill, they may enter the property and seize all dogs and cats being kept by the person in breach of the provision. This is really important. Too often we hear stories of the RSPCA raiding an 80-dog puppy farm but only being able to rescue 10 dogs because the rules for seizing animals under the Prevention of Cruelty to Animals Act are so restrictive. This provision makes it clear that if you are breaking the law, animals can be seized. Together, the measures contained in this bill will work to create a robust regulatory system that will ensure that puppy farms no longer exist in New South Wales. We have seen how effectively this system has worked in Victoria. We urgently need this legislation in New South Wales so we can end puppy farming.

**Debate adjourned.**

#### *Documents*

### **COVID-19 HEALTH ADVICE**

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

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

That private members' business item No. 1309 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (11:02):** I move:

(1) That this House notes that:

- (a) on 21 July 2021, as part of its inquiry into the New South Wales Government's management of the COVID-19 pandemic, the Public Accountability Committee ordered under Standing Order 208 the following documents in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Health and Medical Research or Ministry for Health:
  - (i) all documents, including briefs and correspondence, containing health advice provided between Monday, 1 June 2021 and Wednesday, 14 July 2021 from the NSW Chief Health Officer, Dr Kerry Chant or the Ministry of Health, advising on potential or additional restrictions and lockdowns and the timing of potential or additional restrictions and lockdowns for Greater Sydney, the Blue Mountains, Central Coast, Wollongong and Shellharbour; and
  - (ii) any legal or other advice regarding the scope or validity of this order of the committee created as a result of this order of the committee.
- (b) on 9 August 2021, the Government provided some documents on a voluntary basis but did not provide all documents captured by the scope the Committee's order;
- (c) on Tuesday 10 August 2021, Chief Health Officer Dr Kerry Chant and the Minister for Health and Medical Research, the Hon. Brad Hazzard, MP, gave evidence to the Public Accountability Committee where they indicated that they had declined to provide certain documents and would decline to provide answers on notice about health advice pertaining to the lockdown on the basis that such advice was prepared for crisis cabinet, a subcommittee of Cabinet;
- (d) on Wednesday 18 August 2021, as part of the Portfolio Committee No. 1 - Premier and Cabinet hearing into budget estimates, the Secretary of the Department of Premier and Cabinet and other DPC representatives took a number of questions on notice relating to crisis cabinet; and
- (e) DPC failed to respond to a number of these questions on notice on the basis that they were related to the "Crisis Policy Committee of Cabinet" and therefore protected by Cabinet confidentiality.



- (2) That this House:
- (a) reasserts the importance of parliamentary scrutiny during the COVID-19 pandemic where residents are subject to increased restrictions by government that impact their lives and livelihoods;
  - (b) reasserts the power of its committees to order documents under Standing Order 208 as reasonably necessary for the exercise of the Legislative Council's functions, especially in circumstances where the House is not in session due to a situation such as a pandemic;
  - (c) notes the advice of the Solicitor-General, Mr Michael Sexton, SC, in his advice SG 2018/23 that it is more likely than not that a court would uphold the power of a committee of the New South Wales Parliament to call for evidence, including the production of a document, subject to claims of privilege, such as public interest immunity and legal professional privilege, that might be made by the witness document;
  - (d) notes that at the time the committees sought evidence related to COVID-19 advice, scheduled sittings of the House had been suspended and there was no ability for members to seek documents required for their inquiry under Standing Order 52;
  - (e) notes that the Emergency Management Human Influenza Pandemic Subplan, which sets out the roles and functions of the Crisis Policy Committee:
    - (i) does not refer to the Crisis Policy Committee as a Cabinet committee;
    - (ii) does not make reference to Cabinet Confidentiality or other Cabinet conventions in reference to the Crisis Policy Committee; and
    - (iii) sets out membership of the Crisis Policy Committee which includes government officials who are not Cabinet Ministers.
  - (f) notes that a Cabinet in the Westminster System:
    - (i) is comprised solely of Ministers who themselves are directly responsible to Parliament;
    - (ii) does not contain senior bureaucrats as members, although they may attend Cabinet meetings to provide advice; and
    - (iii) as held by Justice White in *Patrick and Secretary, Department of Prime Minister and Cabinet (Freedom of Information)* [2021] AATA 2719 (5 August 2021): "The Cabinet, in a word, is a board of control chosen by the legislature, out of persons it trusts and knows, to rule ... Cabinets derive their existence from, and are accountable to, the Parliament from which they are drawn".
  - (g) asserts that the Crisis Policy Committee is not a Cabinet committee and the principles of Cabinet confidentiality do not apply to documents produced by or for it or considered by it.
- (3) 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 June 2021, in the possession, custody or control of the Department of Premier and Cabinet, Ministry of Health, Minister for Health and Medical Research, or Premier relating to advice provided by the Chief Health Officer to contain the outbreak of COVID-19 that commenced in June 2021:
- (a) all documents, including briefs and correspondence, containing advice or options, or disclosing details of the same, regarding restrictions or other measures, including lockdown measures, to contain the outbreak of COVID-19:
    - (i) in Greater Sydney;
    - (ii) in the following local government areas: Bayside, Blacktown, Burwood, Campbelltown, Cumberland, Fairfield, Georges River, Liverpool, Parramatta, Strathfield and Penrith; and
    - (iii) across New South Wales including the regions.
  - (b) all documents containing or disclosing details of options or advice provided by the 12 public health teams to the Chief Medical Officer regarding restrictions or other measures to contain the outbreak of COVID-19; and
  - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion applies to the health advice that guides New South Wales and all of its people through the pandemic. The Opposition would like to see that health advice available to the public and to the Parliament so that people can know the advice that sits behind the decisions that guide the actions of our State as we go through this period—as we locked down but, even more importantly, as we open up. The Opposition understands that often those decisions are based on a mix of factors: As well as the health advice, obviously the economic advice is important, as the Premier has made clear. But we are assured that those decisions are based on the health advice. The Opposition is supportive of the health advice, but we would like to know what that advice is. We do not think that is unreasonable. One would have to search the country to find a more supportive Opposition; we have looked to back in the Government's view and the Government's health advice. I do not think it is unreasonable for us to say that we are prepared to support the health advice but that the Parliament and the public should know what it is.

The reason we say that is not out of curiosity but that we want an eight-million-person effort to fight this pandemic. We want everyone in this fight and we believe this is a better way to do it: transparency and trust. Let people know; let the amateur epidemiologists across the State loose. People are engaged in this question. People want to know what the health advice is so they can apply it to their ordinary lives to make themselves and their

families safe. But there is a clash of views here. The Government says it is Cabinet in confidence. It says it will not release it—not even behind closed doors, not even under privilege, not even in the way that is customary. We say we support the health advice but we would like to see it. We want to send people out as advocates for this advice so that we can get through this pandemic faster. That is the goal here: not curiosity but to get us out quicker, to get us out safer and to get the State back on its feet.

The health Minister has been a strong advocate for the Government's approach of keeping this advice under lock and key and saying it should be released, I presume, in two decades when the Cabinet advice is made public. I must object on behalf of the Opposition to the performance of the health Minister in front of the Public Accountability Committee of the Parliament, which was looking at COVID oversight. He was generally uncooperative. He repeatedly and deliberately referred to an agreement with the committee, which had not been reached, to only have the Minister and the Chief Health Officer there for a short period. I raise that not on behalf of the Opposition but on behalf of the committee system and the committee secretariat of this Parliament, whose views were wrongly represented by the Minister in my view. He is very entitled to put the Government's view about how it is approaching that system; he is not entitled to speak on behalf of a committee of this House.

Furthermore, he often spoke over the Chief Health Officer and answered questions that the committee was directing to her, not to the health Minister. For all those reasons, I have to object. I could not have said it better than Guy Sebastian did. I do not think we should get distracted by social media, but Guy Sebastian put these views on Twitter:

Why are politicians like Brad Hazzard talking to the people he serves like they are idiots? To be incapable of admitting that you played a part in this mess of an outbreak is one thing, but to continue to bark at us as the self appointed smartest person in the room is abhorrent.

That was Guy Sebastian's view, and I agree with him. I make this distinction: I do not point that claim at members opposite. Members of this House have not taken that view. The health Minister has, and it has been a setback in dealing with this issue. That is why we move this motion: We want this advice public. I know there are sceptics in the Government who believe this is the wrong approach. I say to them: This is all coming out in the long run. This information will be public. This pandemic has touched too many people's lives; it has had too much of an impact. Sooner or later this will all come out; there will be an inquiry at some point. If they continue to resist and struggle then that inquiry will be sooner and more wide ranging, and it will be insisted on more strongly by the public and, of course, by the Opposition.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:07):** I foreshadow that I may seek leave for an additional couple of minutes to address this issue, because it is a serious issue. The terms of the order for papers go to the heart of what, in fact, is a Cabinet-in-confidence minute. Notwithstanding the rhetoric of the Hon. John Graham, the motion is about the production of documents that the Government says are Cabinet-in-confidence documents. It goes to the extent to which a committee of the Cabinet is a Cabinet committee and the documents produced for the purpose of that committee are construed as being Cabinet in confidence. Notwithstanding his observations about the manner in which the health Minister may or may not have cooperated with the Public Accountability Committee—and I accept that the Hon. John Graham may have a view in relation to that—this motion goes to whether documents produced for the purposes of a Cabinet subcommittee are Cabinet in confidence or whether they can be produced by order of this House pursuant to Standing Order 52. For that reason, the Government strongly objects to the Standing Order 52 motion.

We do it for two reasons. First, it is an incorrect assertion that parliamentary committees have a clear power to compel the production of documents; and, secondly, it is an incorrect assertion that the Crisis Policy Committee is not a committee of Cabinet. Since at least 1998 the Government has issued guidelines to public servants about the power of committees of the Legislative Council to order the production of documents. Those guidelines are currently attached to Premier's memorandum 2017-01. They are relevantly similar to the guidelines issued under the Premier's memorandum 1998-09. They note that a committee's power to order the production of documents is claimed by Standing Order 208. The guidelines then state:

While the High Court has held that the Legislative Council has the power to compel the Executive Government to produce State papers (*Egan v Willis* (1998)), it is arguable that it is not 'necessary' to give such a power to a committee. The extent of this power is therefore uncertain and may be challenged where necessary.

I seek leave for an extension of a further two minutes.

**Leave granted.**

**Mr David Shoebridge:** You have to be more interesting, though.

**The Hon. DAMIEN TUDEHOPE:** I am sure you will be, Mr David Shoebridge. That memorandum was signed by Morris Iemma. The Government may provide documents voluntarily to a committee. However, this may not be possible or appropriate depending upon the circumstances. Documents would not be provided

voluntarily where voluntary productions would be prohibited by a statutory non-disclosure provision. If a court were to find that a committee had no such power to require the production of documents, provision of documents the subject of privilege to the committee could put the Government in breach of its confidentiality obligations to third parties or waive the Government's privilege in a document.

It is also worth noting that an order for papers by a committee would be made by a bare majority of committee members, which could be as few as four members. The Standing Order 52 process allows participation by all members and naturally requires the passing of the motion by a majority of members of this place. This process ensures that this place has an opportunity to appropriately weigh the public interest in accountability and transparency with the public interest factors against production of information, including matters related to the scope and expense of the task. I could say more in relation to that, but I will move to the nature of the crisis committee.

The Crisis Policy Committee is a committee of Cabinet. The committee meets as determined by the Chair of a Cabinet committee, the Premier. In recent years, the Crisis Policy Committee met as a committee of Cabinet in response to the 2019-20 New South Wales bushfire crisis and has continued to meet as a committee of Cabinet to provide overarching strategic policy advice during the COVID-19 pandemic. As described at paragraph 47 of the NSW Human Influenza Pandemic Plan, the role of the Crisis Policy Committee is to provide overarching strategic advice. The primary point I make is that this is a Cabinet subcommittee. As such, documents provided to that committee are Cabinet-in-confidence documents. The Chief Health Officer has made herself available for questioning at numerous media conferences. It is a flawed argument that the Government can be accused of not being transparent. The Government opposes the motion.

**Mr DAVID SHOEBRIDGE (11:13):** I speak on behalf of The Greens to support this motion. As the Chair of the Public Accountability Committee, I reject the Government's propositions that the committee does not have the power under Standing Order 208 to compel the production of documents. We may be testing that in the near future. In any event, our party has been very clear—consistent with the Clerk's advice and the advice of former Solicitor General Mr Michael Sexton, SC—that committees do have that power. The Government's continued refusal to comply with orders coming from committees is essentially an indication of unlawful opposition from an Executive that does not feel it is responsible to Parliament. It is offensive to the concept of the Westminster system.

This is a standing order calling for the production of all documents, briefs, correspondence et cetera relating to public health and the outbreak of COVID-19 that went to the Crisis Policy Committee. I note that this committee was later rebranded by the Government after the Patrick case was decided federally—I am sure that was just a coincidence—to be the Crisis Cabinet Committee of New South Wales. I raised this matter in correspondence to Portfolio Committee No. 1 – Premier and Finance and shared it with my colleagues on the Public Accountability Committee. In answers to questions on notice during budget estimates, we learned from the head of Premier and Cabinet that the so-called Crisis Cabinet Committee was a creature created not by Cabinet but by the State Emergency Management Committee.

The membership of the Crisis Policy Committee was contained in a schedule to a State Emergency Management Committee document created by that committee, not by Cabinet. It includes very clear reference to the fact that membership of that committee includes not only Cabinet Ministers but also a whole series of secretaries and bureaucrats, not as participants but as members. It is offensive to the concept of Cabinet in the Westminster system that you have a substantial number of full members who are not drawn from Cabinet and are not responsible to the Parliament. The Government seems to have just ignored this, pressed ahead and made these repeated claims about Cabinet in confidence relating to the Crisis Policy Committee. With the House's indulgence,

I seek leave to speak for a further 30 seconds.

**Leave granted.**

**Mr DAVID SHOEBRIDGE:** When you look at the answers we got from the Government itself, setting out the genesis of this committee and making it clear that it did not come from Cabinet and has a large number of fully participating members who are not responsible to the Parliament, you see it is a very valid argument to say that it is not protected by Cabinet in confidence. All of the advice should have been produced to the committee and should be produced to this House under Standing Order 52. We need to get to the bottom of this and we need this advice on the public record. I commend the motion to the House.

**The Hon. BEN FRANKLIN (11:17):** This Standing Order 52 is based on an urban myth that the Crisis Policy Committee was not a subcommittee of Cabinet. That is exactly the issue that the previous speaker tried to entertain this House with. The myth, which was first pronounced by Mr David Shoebridge, has been taken up by *The Sydney Morning Herald* and now finds its way into the muddle-headed thoughts of the Opposition, led by the

Hon. John Graham. I make it clear that the Crisis Policy Committee of Cabinet was indeed a subcommittee of Cabinet. It had no statutory or regulatory basis for existence.

**Mr David Shoebridge:** If it looks like a duck and quacks like a duck—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Members will not interject. I know what Mr David Shoebridge is doing—even with his mask on.

**Mr David Shoebridge:** It wasn't me.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** That makes it even harder.

**The Hon. BEN FRANKLIN:** It was created by a Premier and it could be abolished or amended by any Premier, as we have recently seen. Its roles and functions are referred to in the State Emergency Management Plans, but it was a subcommittee of Cabinet. The membership of the Crisis Policy Committee was set by the Premier and was comprised solely of Ministers. In recent years, the Crisis Policy Committee met as a committee of Cabinet in response to the 2019-20 bushfire crisis and has continued to meet as a committee of Cabinet to provide overarching strategic policy leadership during the COVID-19 pandemic response, with over 150 meetings held since January 2020.

The status of the Crisis Policy Committee as a committee of Cabinet was recognised by the Supreme Court as recently as last month. The recent Supreme Court case of *Henry & Ors v Hazzard (No 2) [2021] NSWSC 1235* considered whether a submission to the Crisis Policy Committee and a decision of that committee was subject to public interest immunity. A judgement was handed down on the matter on 29 September 2021. Justice Cavanagh held, at paragraph 75 of the judgement, that the submission to the Crisis Policy Committee and the decision of the Crisis Policy Committee were Cabinet documents and subject to public interest immunity. As a committee of Cabinet, it operated in accordance with all the Cabinet conventions as outlined in the Premier's Memorandum. Let me quote briefly from that document:

Cabinet is the central and highest decision-making institution in government. Its workings are governed by long established practice and convention. ... [A] convention at the core of the Cabinet system of government is the collective responsibility of Ministers for government decisions. Ministers are collectively responsible for all Cabinet decisions and must publicly support them, even if they do not personally agree with them. The ... premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility. It also undermines the convention of Cabinet confidentiality.

I seek the endorsement of the House for a two-minute extension of time.

**Leave granted.**

**The Hon. BEN FRANKLIN:** The document continues:

It is accordingly essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to Cabinet making its decision. It is inappropriate to provide copies of, or access to, final or draft Cabinet documents to sources external to Government. It may, however, sometimes be necessary to consult with external sources in relation to matters which are the subject of proposed or current Cabinet consideration to ensure that Cabinet is fully apprised of the relevant information required for it to make an informed decision. A Minister's actual or proposed position should never be disclosed ...

And who was the Premier who signed this Memorandum M2006-08? Morris Iemma, the Labor Premier. CPC documents are Cabinet documents and, pursuant to longstanding Cabinet and parliamentary conventions, which have been endorsed by the courts in the Egan cases, the Government will not be providing any Cabinet documents in response to any order by this House or any of its committees.

**The Hon. JOHN GRAHAM (11:21):** In reply: I will address the point first about the Cabinet committee. Really this is a bit of a side argument to this whole arm wrestle backwards and forwards. I have put forward in this motion a view that emerged out of the Public Accountability Committee and that other members of the House hold strongly. I have not pressed that claim particularly strongly. None of the arguments that the Government makes go to the following points: Would it not be better to have some of this advice out in public? Would it not be better to fight this pandemic to have everyone understand exactly what was being advised to the Government? There is nothing to stop the Government voluntarily providing these documents, as was the case in the Iemma Government and each of the governments subsequently. We know they are the forms of the House that are used. The documents are provided voluntarily. The Executive does agree to release this information.

Despite the arguments that this Government is making, this Leader of the House is making and Labor leaders of the House have made, there is a way to do this, either voluntarily or under privilege. Neither of those things have happened and they should happen. They should happen because we would be better as a State, and we would be out of this pandemic more quickly, if they did happen. I have spoken to members of this House who have put in multiple questions on notice and have asked for information to be provided about the details of this public health advice. They have got nothing back—a total refusal to cooperate, like the health Minister refused to

cooperate with the Public Accountability Committee. That is one of the reasons why this case is being pressed. I agree that the Chief Health Officer has made herself very available and I thank her for that. But that does not go to the question of which of these decisions rest on health advice and which do not. We all know that there is a subtle mix of both of those things.

It is not an illegitimate question for the Opposition, and for the public ultimately, to ask what is the health advice on which these decisions are based. There are millions of people, especially in the 12½ local government areas, whose lives have been subject to severe restrictions as a result of this advice and who are now wondering about how to live their lives safely as we open up. There are concerns in the public. People want to know this information. That is why we seek this. That is why we press the case. All the arguments the Government has made are legal ones. They have not addressed at all that public urge to know what does Dr Kerry Chant think, what do the public health teams think and how do we open up safely. That is why the Government should release this advice, not all the legal defence we have heard and that we have heard from many governments, on both sides of the aisle, in the past. There has always been a way to do it, and the Government should take advantage of that now to release this advice.

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

**The House divided.**

Ayes .....22  
Noes .....15  
Majority.....7

**AYES**

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

Graham  
Hurst  
Jackson  
Latham  
Mookhey  
Moriarty  
Moselmane

Pearson  
Primrose  
Roberts  
Secord  
Sharpe  
Shoebridge  
Veitch

**NOES**

Cusack  
Fang  
Farlow  
Farraway (teller)  
Franklin

Harwin  
Khan  
Mallard (teller)  
Martin  
Mitchell

Nile  
Poulos  
Taylor  
Tudehope  
Ward

**PAIRS**

Houssos  
Searle

Amato  
Maclaren-Jones

**Motion agreed to.**

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

**Production of Documents: Further Order**

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

That private members' business item No. 1336 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (11:35):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, Minister for Transport and Roads, the Department of Premier and Cabinet, the Treasury, Transport for NSW [TfNSW], Sydney Trains, NSW TrainLink or the Transport Asset Holding Entity of NSW relating to the Transport Asset Holding Entity of New South Wales [TAHE]:

- (a) all safety reviews and safety risk assessments, however described, undertaken by, or on behalf of, TfNSW related to TAHE or any aspect of its operations;
- (b) all rail operations agreements between:
  - (i) TfNSW and Sydney Trains; and
  - (ii) TfNSW and NSW TrainLink.
- (c) the following agreements entered into by TAHE:
  - (i) the metropolitan network access agreement with Sydney Trains and NSW TrainLink;
  - (ii) Country Rail Network Access Agreements with Sydney Trains and NSW TrainLink;
  - (iii) the License, Agency, Maintenance Deed with TfNSW, Sydney Trains and NSW TrainLink;
  - (iv) the Project and Property Development Deed entered into with TfNSW; and
  - (v) the Corporate Services Agreement with TfNSW and Sydney Trains.
- (d) the following documents relating to Ms Heather Watson, KPMG, or the Boston Consulting Group:
  - (i) the contract or agreement, however described, entered into by TAHE and Ms Heather Watson, KPMG;
  - (ii) all communications and correspondence between any TAHE officer or employee and Ms Heather Watson, KPMG;
  - (iii) all reports or presentations prepared by Ms Heather Watson, KPMG, for the TAHE; and
  - (iv) all reports or presentations prepared by the Boston Consulting Group for TAHE.
- (e) all documents created since 1 July 2021 prepared for all TAHE meetings, including all documents which record decisions made by the TAHE board;
- (f) all iterations of the TAHE's ten year strategic business plan, including the final plan;
- (g) any document which lists the exemptions from NSW Treasury's Commercial Policy Framework granted to TAHE;
- (h) all documents regarding the selection of board directors for TAHE, including:
  - (i) all communications and correspondence with any person at the recruitment firm Korn Ferry; and
  - (ii) all reports or presentations prepared by Korn Ferry.
- (i) all documents regarding TAHE created since 1 January 2020 in the possession of the Treasury Policy and Budget Group;
- (j) all communications and correspondence regarding TAHE between the Secretary of the NSW Treasury or the NSW Treasury's Deputy Secretary for the Policy & Budget Group and the following persons:
  - (i) Mr Tim Reardon;
  - (ii) Mr Rodd Staples;
  - (iii) Ms Fiona Trussell;
  - (iv) Mr Rod Sharp;
  - (v) Mr Brendan Lyons, formerly of KPMG;
  - (vi) Ms Heather Watson, KPMG; and
  - (vii) Mr David Heathcote, KPMG.
- (k) all documents regarding TAHE created since 1 June 2021 held by the following ministers:
  - (i) Premier;
  - (ii) Treasurer;
  - (iii) Minister for Transport and Roads; and
  - (iv) Minister for Finance and Small Business.
- (l) all correspondence between the Australian Bureau of Statistics and any Government agency relating to RailCorp or the TAHE; and
- (m) 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.

Just prior to lockdown this House engaged its accountability function to supervise and inspect this \$40 billion State-owned corporation. We did so in the wake of numerous reports in the media that were of deep concern, namely that this corporation was created to hide from the budget \$7 billion in expenses that otherwise had to be recorded. Equally, such a manoeuvre took place at the expense of greater risk to rail safety in the period of lockdown. Since then at budget estimates and at the hearing of the Public Accountability Committee [PAC] inquiry into the Transport Asset Holding Entity of New South Wales [TAHE] we have learnt that a Cabinet submission presented in the names of then transport Minister Andrew Constance and then Treasurer Gladys

Berejiklian stated this is about saving \$6.8 billion in the first five years. Separately, the two Ministers flagged in that same Cabinet submission, which I would encourage all members to read, that the risk of that was that it would repeat the Waterfall and Glenbrook rail disasters, and that is because we are separating control of the rail assets from the operators of those rail assets—two stark warnings.

Equally, other evidence has been adduced from the first order for papers under Standing Order 52 and from that committee inquiry that then transport Minister Berejiklian and then Treasurer Constance were told this as early as 2014. What is worse is that the risk continued onwards. That is what we learnt in the first day of the PAC hearings. In budget estimates Secretary of Treasury Pratt confirmed that he and the former Secretary of Transport for NSW Mr Rod Staples had quite a battle about TAHE, that the two of them were indeed engaged in what they termed a dispute and a conflict around the relative rail safety risk that posed. In fact, the two secretaries' conflict escalated to the point where a meeting had to take place with the then Secretary of the Department of Premier and Cabinet, Mr Tim Reardon. That took place only a year ago. That was also established.

It was established that Mr Staples was raising serious rail safety concerns about TAHE and that he was doing it as recently as last year. That is what we heard in budget estimates. Furthermore, further reporting by Matt Sullivan of *The Sydney Morning Herald* has confirmed that this was raised in the Expenditure Review Committee and it was again canvassed with the former Premier last year. That such a corporation has triggered such conflict within the Government on rail safety is a matter of deep concern to the rail-travelling public as well as to this House. It should be, because rail safety is very serious. We should take it seriously. Separately, on the other aspect of this particular scandal, we also understand that the budget savings go on. Leaked Treasury documents reveal that the Government intends to save \$14 billion over the next 10 years by the very same trick. Equally, Treasury has been massively invested in protecting its budget treatment, so much so that last year it triggered a major battle between Treasury and one of the big four accounting firms, KPMG.

Through that we learnt that KPMG advised the Treasury that this trick that it was trying to pull in the budget might end up costing the budget \$4.5 billion each year. In the wake of such a revelation, we saw Treasury desperately scramble to make sure that its budget treatment was not disturbed by KPMG, the transport department or anyone else. Here is why this matters to the public: If we cannot trust the integrity of the budget, we cannot trust the words the Government says. If we cannot accept the budget papers as being accurate and produced in accordance with the law and in the spirit of the law, we cannot deem or judge the appropriation bills. That is an important matter, particularly in the Westminster system. Equally, at a time when we expect hundreds of thousands of people to be returning to the rail networks in the next few weeks as this State opens up, we are entitled to get to the bottom of this rail safety risk. That is what this Standing Order 52 motion does. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:40):** This request for papers under Standing Order 52 continues the irresponsible number of motions by this member on this issue. It is irresponsible. The transport cluster respects the power of the House to seek to have papers produced. However, the Government is delivering \$72 billion worth of transport projects for the people of New South Wales. Delivery of transport infrastructure projects on that scale requires contemporary operating models with clear objectives and mandates. They include ensuring that customers and communities remain the focus of our strategies, plans and service delivery. That is the point. This member knows it but continues to deceive the people of New South Wales on this issue.

The New South Wales Government has reiterated over and over that safety remains the number one priority across transport operations. It is enshrined in the Act. It is supported by the Rail Safety National Law. The operators remain the accredited safety managers. Senior public servants from across the government sector have also given evidence under oath, saying that the establishment of the Transport Asset Holding Entity of New South Wales [TAHE] has been designed to ensure that there is no impact on transport operations and maintenance activities. TAHE's assets will continue to be safely operated and maintained by Transport for NSW, Sydney Trains and NSW Trains. The member knows it but continues to assert in this place that this is a safety issue because of the transfer of the assets to TAHE. It is misleading.

I have to say this again about the use of Standing Order 52 motions in relation to TAHE. Since May 2019 Transport for NSW has also spent 840 hours responding to two previous motions about TAHE. Transport for NSW is also assisting the Auditor-General through providing a range of documents relating to the TAHE implementation program. The Auditor-General's requests for documents from TAHE have been significant in nature. Transport for NSW estimates that it has spent 848 hours thus far on indexing TAHE document repositories. The transport cluster works closely with the Department of Premier and Cabinet and other agencies to ensure that all requirements for orders for papers are met. This is just a further imposition on the public servants of this State to meet what we would suggest are continuing frivolous applications under Standing Order 52.

**The Hon. MARK LATHAM (11:43):** One Nation very much supports the motion under Standing Order 52. I suggest to the Minister that if the Government did not engage in the accounting trick with the Transport Asset Holding Entity, it would not have to spend any hours—not a single minute—on researching the documents and making the papers available to this Chamber. But when government services were corporatised by the Greiner Government, no-one could have imagined that the assets and rolling stock of rail in New South Wales could be legitimately defined as a State-owned corporation, simply because it can never pay a dividend. It can never be run on a proper commercial basis. This is an attempt by the Government to fiddle the books, to put the loss-making entity off the budget so that it does not show up on its budget bottom line. In fact, the New South Wales deficit is much bigger and getting even bigger.

As a very keen rail commuter for all of my adult life, I can attest that you get your own carriage these days. The Government worked overtime to scare people off the trains. If I had not been there this morning, it would have been a ghost train. The loss-making entity will get worse. We have not had a single COVID—

**The Hon. Damien Tudehope:** We are going to charge you more then.

**The Hon. MARK LATHAM:** He wants to charge the commuters more for a service—the Government is talking about safety. It has said that the trains are unsafe. Yet we have not had a single COVID infection on the trains in New South Wales. How foolhardy would the Government be to scare the commuters away, many of whom will never come back, have a bigger loss-making entity and hide it under the ruse—the fraud, really—of a State-owned corporation and then try to complain to this Chamber that there is no legitimate reason to look at the documents. You have never heard anything like it, have you? Next you will be trying to sell us the Harbour Bridge. You will make that a State-owned corporation. That is another ridiculous proposition.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** If the Hon. Mark Latham addresses the Minister directly, he will incite responses. He will continue to direct his remarks through the Chair. I note he listened respectfully to other speakers, but he is bringing this on himself.

**The Hon. MARK LATHAM:** Thank you, Madam Deputy President. I love the responses. I am here for the responses.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** Yes, but I am not.

**The Hon. MARK LATHAM:** They are not responding to you; they are responding to me.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** I am new to this role, but the standing orders are very old and very clear. I ask the Hon. Mark Latham to continue to stick to the standing orders of this place.

**The Hon. MARK LATHAM:** I do not want to quibble with your ruling, but I am in politics for the responses. I know that some shaking lilies out there are afraid of responses and it causes great offence to them, but I love responses. I cannot get enough. But I am sorry if it does not fit with the standards that you are applying in the chair, which I very much respect. With 15 seconds left, I have made my point. I very much support the motion.

**The Hon. DANIEL MOOKHEY (11:46):** In reply: I appreciate the contributions of the Minister and, of course, the Hon. Mark Latham. I am sorry to have interrupted the *tete-a-tete* that was taking place. My response to the Minister's comments is twofold. First, he said that there is nothing to see here. That is just not true. The Minister wishes to double down on such a position. I invite him to keep saying that this is an entirely legitimate State-owned corporation that was begun for altruistic public purposes and has nothing to do with shifting rail costs off the budget. I invite the Minister to continue with that argument for as long as he wishes to, because it is just not true and it will be called out again and again. If he does not wish to accept what has occurred, that is a matter for him. Secondly, as to his point about the massive diversion of resources that this would create for Transport for NSW—

**The Hon. Damien Tudehope:** No, address the safety issue.

**The Hon. DANIEL MOOKHEY:** I acknowledge the interjection. The Minister wishes to talk about the safety issue. Let me talk about the three or four warnings we have already found out were made. Let me also talk about allegations in the public domain that the Minister's Government sacked the former secretary of the transport department when he started raising these concerns. Let us get into that. We might in future be able to talk precisely about the motivations for the dismissal of the former transport secretary. We might get into that, but perhaps not now.

About the diversion of transport resources, I will simply repeat the point the Hon. Mark Latham made. The Government would not find itself in this pickle had it not tried to pull this trick. Pursuing these issues is a



responsibility of this House as a house of review, especially when it involves rail safety and \$14 billion of costs. I will put that into some context. The \$14 billion that this budget trick is meant to save easily dwarfs the impact of the pandemic on the State's budget. Had it not been for this TAHE budget trick, we would have had a budget deficit in 2018. If the Government does not care about the accuracy of its budget numbers, we on this side of the House do. We will insist on proper scrutiny of something as serious as the budget numbers. If we cannot trust the budget numbers—

**The Hon. Natalie Ward:** Like you did when you left a \$5 billion deficit in 2011?

**The Hon. DANIEL MOOKHEY:** I acknowledge the interjection from the honourable Minister, who wants to talk about debt and budget management. This is the only Government in the country that has tried to pull off such a risk.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** Order! The Hon. Daniel Mookhey will not respond to interjections.

**The Hon. DANIEL MOOKHEY:** For the Minister to try to interject and once more defend a \$14 billion budget trick, when the actual Treasurer who introduced this to Cabinet said that this will risk repeating train accidents such as those at Glenbrook and Waterfall, is a disgrace on the Government. I encourage all Ministers who wish to involve themselves in this debate to familiarise themselves with the facts before they come into the Chamber at the end of the debate and seek to interject. This is a serious matter and it deserves the most serious scrutiny. Rail safety and the integrity of the budget are on the line. I commend the motion to the House.

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

**The House divided.**

Ayes .....22  
Noes .....15  
Majority.....7

#### AYES

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

#### NOES

Cusack	Harwin	Nile
Fang	Khan	Poulos
Farlow	Mallard (teller)	Taylor
Farraway (teller)	Martin	Tudehope
Franklin	Mitchell	Ward

#### PAIRS

Houssos	Amato
Moselmane	Maclaren-Jones

**Motion agreed to.**

### FLOODPLAIN HARVESTING

#### Production of Documents: Further Order

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1350 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (11:56):** 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 Minister for Water, Property and Housing; the Department of Planning, Industry and Environment; or the Natural Resources Access Regulator:

- (a) minutes of all meetings of the Healthy Floodplains Review Committee;
- (b) all correspondence related to dissenting reports lodged regarding decisions made by the Healthy Floodplains Review Committee;
- (c) all correspondence related to changes between the draft Macquarie Floodplain Management Plan 2018 and the final Macquarie Floodplain Management Plan gazetted on 20 September 2021;
- (d) all correspondence between modelling consultants and the Healthy Floodplains Review Committee;
- (e) the following documents, including attachments, created since 1 January 2018, not already on public record or previously produced to an order of this House:
  - (i) all minutes of meetings related to modelling of floodplain harvesting volumes;
  - (ii) all correspondence, including attachments, with Alluvium Consulting related to the independent review of New South Wales floodplain harvesting policy implementation; and
  - (iii) all correspondence between modelling consultants and DPIE Healthy Floodplains Project staff.
- (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.

The Government's floodplain harvesting regulations were disallowed on 6 May 2021 because of concerns about how the regulations would be implemented, the volumes of water the Government was proposing to issue and a lack of transparency around the whole process. On 23 June the Legislative Council voted to establish a Select Committee on Floodplain Harvesting to examine the impacts the regulations would have had and make recommendations about the way forward. This order seeks correspondence and other documents related to the processes the Government is undertaking to regulate floodplain harvesting, including around the Healthy Floodplains Review Committee.

The Healthy Floodplains Review Committee was formed in 2005 and plays a central role in the licensing of floodplain harvesting. It is through this committee that individual irrigators are able to appeal decisions about their floodplain harvesting allocations and the licensing of floodplain structures on their property. The committee is highly secretive. Representatives are required to sign a deed of confidentiality, which means public scrutiny of the decisions made by the committee is near impossible. The Healthy Floodplains Review Committee is made up of four individual representatives—one each from the NSW Irrigators' Council, NSW Farmers and the Nature Conservation Council, and an independent chair. The Nature Conservation Council's submission to the inquiry details a number of issues with the functioning of the committee. I quote from the submission, which states:

HFPRC proceedings have been sporadic and often rushed. Intermittent meetings were held until 2020, when 17 meetings were held. The committee undertook an intensive series of 'out-of-session' decision-making activities in late 2020 due to a significant increase in submissions requiring review.

In 2021 at least 15 meetings were held up until 30 June. The NCC representative experienced immense pressure to complete assessments and make decisions regarding all five valleys for floodplain harvesting entitlements and rules in Water Sharing Plans by 30 June 2021. The HFPRC was informed that there was a large turnover of NRAR staff under-taking property inspections because of the time pressure. On-ground property data collection was reportedly rushed, resulting in a swathe of submissions seeking the correction of information.

...

The precautionary principle does not feature in the assessment process for floodplain harvesting on unregulated and groundwater only properties. NCC submitted three reports to the Deputy Secretary of DPIE-Water outlining reasons for not supporting consensus. ... The committee's decision-making process changed under pressure. Initially, the unregulated licence holders' volumetric conversion process included water taken under floodplain harvesting. The approach was contested by the irrigation industry and the policy changed to allow for additional water take to be assessed.

The call for papers is after, among other things, minutes and decisions of the Healthy Floodplains Review Committee as well as any dissenting reports made by members of the committee. I urge members in this Chamber to support the order for papers so that we can have confidence in the processes that the Government is using to regulate floodplain harvesting.

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

*Questions Without Notice***JOBSAVER PROGRAM**

**The Hon. PENNY SHARPE (12:00):** My question is directed to the Minister for Finance and Small Business, representing the Treasurer. Given that 190,000 New South Wales businesses are relying on JobSaver payments and are still recovering from the economic impact of the lockdown, what is the Minister's response to community concerns that the Government is ending the program in November, well before businesses get back on their feet?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:00):** I thank the Leader of the Opposition for her question. We had the speech in reply to the budget today from the Leader of the Opposition in the other place, and the only observation one can make about that speech was—

**The Hon. Penny Sharpe:** It has to be directly relevant to the question.

**The Hon. DAMIEN TUDEHOPE:** It raised the issue that the Leader of the Opposition is now raising with me, so it is directly relevant.

**The Hon. Penny Sharpe:** No, it's not. You are trying to make it directly relevant. Answer my question.

**The Hon. DAMIEN TUDEHOPE:** Do not interject while I am speaking.

**The PRESIDENT:** Order! The Minister will leave the rulings to the Chair. He will be directly relevant to the question.

**The Hon. DAMIEN TUDEHOPE:** The assessment of that contribution to public debate in this State, as we come out of this pandemic, can only be described as underwhelming.

**The Hon. Penny Sharpe:** Point of order: The standing order requires a directly relevant response to the question asked. If the Minister wants to provide a critique of the budget reply speech by the Leader of the Opposition, he can do so via a Dixer. He should not do it through my question. He is required to answer the question about why he will not help 190,000 businesses after November.

**The Hon. Don Harwin:** To the point of order: Even though it was, in fact, difficult for the Minister to make much comment given the barrage of interjections from the Leader of the Opposition, there was nothing at all in any of his remarks to suggest that what he was saying was not directly relevant to the question.

**The PRESIDENT:** The Minister has the call. He was making introductory comments, but I urge him to now be directly relevant to the question.

**The Hon. John Graham:** You should move back to Epping if you want to make those comments. Take the seat back!

**The PRESIDENT:** Order! The Minister will be allowed to respond.

**The Hon. DAMIEN TUDEHOPE:** This place is only enhanced by the new member for Epping.

**The Hon. Rose Jackson:** That is underwhelming praise.

**The Hon. DAMIEN TUDEHOPE:** For those who got that, I am delighted they picked up on it. The contribution made by this Government to the support of businesses throughout the State in response to this pandemic has been extraordinary. I think the Leader of the Opposition in his budget reply speech would have agreed with that because we have already spent nearly \$8.9 billion on support packages for businesses across the State. We are not a government that prides itself on trying to divide the community; we are a government that tries to unite the community. There is a consistent message—

**The PRESIDENT:** Order! The Minister has the call. It is very early in question time and I know the Minister is somewhat provocative in his response, but members will come to order.

**The Hon. DAMIEN TUDEHOPE:** It is not provocative. It is obvious that the only people who want to create division in New South Wales are those opposite. Shame on every one of them. One can see it: They have their little focus group—"Seriously, we have to win this seat, so let's create division. Let's pretend that you're not getting enough." That is the way they try to win a seat. What we have done in support of small business is to unite small businesses across the State—to create circumstances where they can thrive and prosper.

**The Hon. PENNY SHARPE (12:05):** I ask a supplementary question. Will the Minister elucidate whether the Government has done any modelling on the impact on businesses in south-west and western Sydney when the support runs out in November?

**The Hon. Bronnie Taylor:** Point of order: That is a new question.

**The Hon. Daniel Mookhey:** To the point of order: It is not a new question. It passes the three-part test under the Ajaka principles. It has substantial connection to the subject of the first question. It arises from a specific answer, which is the aspect of the Minister's comments when he talked about the \$8.9 billion in support. It seeks further information as to whether the Minister will elucidate. President Ajaka ruled, in his wisdom, that the fact a member does not use the term "elucidate" does not necessarily mean it is not a supplementary question.

**The Hon. Damien Tudehope:** To the point of order: Quite clearly this question is new because it asks for elucidation in relation to modelling. It does not arise out of the initial question.

**The PRESIDENT:** I am ready to rule on the matter. I do not need any more guidance from members. By its very nature, a supplementary question has newness inherent in it. The three-step test from our dear former President, John Ajaka, is very clear in relation to how this test is applied. First, it must be actually and accurately related to the original question, and that is the case here. It must relate to or arise from the answer. The Minister's answer included a response regarding small businesses and the economic impact generally in relation to them from the COVID lockdown, and indeed the Government's efforts to assist. It seeks to elucidate a part of the answer given, and in this case that is the modelling that may relate to that aspect of the question. I will exercise my discretion in favour of further debate when there is confusion or uncertainty in relation to whether a question falls discretely within the three-way test. That is in the interests of the Chamber. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:07):** Wherever one lives in New South Wales—whether one lives in Wilcannia or Wollongong, Broken Hill or Bass Hill, Cobar or Canterbury, Grafton or Griffith—we have made support measures available to get as many businesses through to the other side of this pandemic as possible. On this side of the Chamber, we do not seek to make a distinction between south-western Sydney—

**The Hon. Rose Jackson:** You did, though! It was harder for those communities.

**The PRESIDENT:** Order! I call the Hon. Rose Jackson to order for the first time. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** We do not make distinctions along that line. The packages we have made available for all—

**The PRESIDENT:** Order! I call the Hon. John Graham to order for the first time. Members on my left will come to order. The Minister is literally 30 seconds into his answer. The Minister has the call, and he will be heard in relative silence.

**The Hon. DAMIEN TUDEHOPE:** I thank you for your ruling, Mr President. The relief packages that have been made available are for all businesses, not just the south-western Sydney businesses. We want every business in New South Wales to survive.

**The Hon. Penny Sharpe:** No analysis of impact.

**The PRESIDENT:** The Minister will continue. I will not give another warning.

**The Hon. DAMIEN TUDEHOPE:** Let us look at those businesses. Let us look at those grants that are available: the 2021 COVID-19 business grant, now closed; applications for one-off grants between \$7,500 and \$15,000; the JobSaver package, where up to \$100,000 a week to help—

**The PRESIDENT:** Order! I call Mr David Shoebridge to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** What emerges from the level of interjections is that members opposite do not like this stuff because they do not like the fact that this Government supports small business. In fact, the business confidence survey conducted by the National Australia Bank, which came out yesterday, indicates that the level of confidence of small business is going through the roof. So let's go. I am happy to talk day and night about the grants that are available for small businesses because I know that small businesses are now enjoying the freedoms that great policy has delivered to open up this State faster than any other jurisdiction for the purpose of making sure that businesses survive.

**The Hon. DANIEL MOOKHEY (12:10):** I ask a second supplementary question. Will the Minister elucidate that part of his answer where he made reference to the JobSaver program and the grant programs? Did the Government consider extending the programs as a result of the underspend in those programs?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:10):** Let the programs run their course. The initial question indicates that we are extending the programs, stepping them down over a period of time.

**The Hon. Penny Sharpe:** In two weeks they're gone. Let's not get too excited.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** Let's just see where the programs finish. The commitment of this side of the House to small business is never-ending. Members opposite had the temerity to raise issues relating to payroll tax—

**The Hon. Daniel Mookhey:** Point of order—

**The Hon. DAMIEN TUDEHOPE:** The member does not want the truth. He does not like hearing it.

**The PRESIDENT:** The Minister will resume his seat.

**The Hon. Daniel Mookhey:** My point of order is direct relevance. My second supplementary question asked whether or not the Government considered extending the programs as a result of the underspend on them. It had nothing to do with payroll tax. The Minister should curb his enthusiasm and get back to answering the question.

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

**The Hon. John Graham:** Enough of the Jack Nicholson.

**The Hon. DAMIEN TUDEHOPE:** That is an interjection. It is absolutely predicated on the fact—I do not want to hear about those facts and circumstances that are inherent on the support members opposite are giving. They have no credibility on this issue because when you go to an election wanting to increase payroll tax in circumstances where the Government was decreasing it, those opposite are the side you cannot trust. They had the temerity in the other place to say that we need reduced payroll tax. Well, you would never believe a word that they would say in relation to payroll tax because their record on that is absolutely demolished because of the policies they took to the last election. Let's look at the other support initiatives that are available. Let's talk about the micro-economic grants because those grants were made available to businesses with an annual turnover of less than \$75,000. What other jurisdiction in the country made those grants available to those businesses? The level of support— *[Time expired.]*

#### REGIONAL ARTS AND CULTURAL SECTOR

**The Hon. WES FANG (12:13):** My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the New South Wales Government is supporting regional jobs through its arts and cultural programs?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:13):** I am absolutely delighted to answer the member's question. The Government is supporting jobs and livelihoods in regional New South Wales as a key part of delivering the New South Wales Government's road map to recovery. Not only do the arts and cultural sectors bring enjoyment through uplifting performances and inspiring exhibitions to regional New South Wales, they also stimulate local economies and create jobs. Whether through programming or new bricks and mortar, this Government is putting its money where its mouth is to support regional communities. In this year's budget I announced a \$24 million uplift over four years for the Arts and Cultural Funding Program, with regional New South Wales set to be the primary beneficiary of that uplift.

On Monday I announced a significant funding boost for the Regional Arts NSW network, with a 19 per cent increase in the core funding for the 14 Regional Arts Development Organisations [RADOs] across the State. From \$168,000, which was the base level of funding, it goes up to \$200,000 each. That will enable more employment opportunities on the ground for artists and practitioners as well as the delivery of exciting arts and cultural experiences for regional audiences. I also announced that the New South Wales Government is establishing a fifteenth RADO on the South Coast to cover Shoalhaven City, Shellharbour City and Kiama Municipal Council areas, which will highlight the South Coast as a cultural tourism destination.

**The PRESIDENT:** Order! Opposition members are engaged in a little bit more than an uproar. They will withhold their comments and let the Minister speak in relative silence. I have given licence and will continue to do so to a degree, but if members abuse that opportunity and that privilege I will have no hesitation calling them to order.

**The Hon. DON HARWIN:** It comes on top of the record regional funding that I have announced: \$12 million for the next four years for regional touring, which is a 171 per cent—

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

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

**The Hon. Shayne Mallard:** My point of order concerns the interjections. Members are taking advantage of and hiding behind their masks. Mr President, I suggest that you make examples of those members who are interjecting because they are abusing the privilege of the House.

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

**The Hon. DON HARWIN:** The small to medium sector will get a 171 per cent increase. That is more shows and exhibitions going to regional New South Wales. A 171 per cent increase has never happened in the history of the State. No government has done more for regional arts than this one. A new \$60 million Creative Capital fund will also drive investment in small and major cultural infrastructure projects right across the State, building on the 98 that are already completed that we funded out of the \$100 million Regional Cultural Fund. The record of this Government on making sure every community around the State gets its fair share of arts and culture funding is without compare amongst any government that has held office in this State.

### COVID-19 AND SCHOOL VENTILATION

**The Hon. JOHN GRAHAM (12:17):** My question is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. What is the Minister's response to community concerns that her department relied on engineering advice rather than NSW Health advice in relation to ventilation in schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:18):** I thank the member for his question and for the opportunity once again to talk about what we are doing to prepare for our students' return to school. That is what members on this side of the House are focused on. We are focused on backing the evidence and getting our kids back in the classroom, not on fearmongering and becoming overnight experts in ventilation and science, like some of those opposite. The member's question asked what my response is to community concerns that we have relied on advice from engineers and not health experts. The premise of that question is incorrect because we have relied on advice from both health and ventilation and engineering experts because that is what a good government does. We have advice from NSW Health, the Doherty Institute, the World Health Organization and all manner of experts that maximising natural ventilation is the most effective method when it comes to minimising the spread of COVID-19.

NSW Health has provided advice to my department in relation to the settings needed, including required levels of air quality and ventilation. Then we have expert engineering advice confirming that our approach through natural ventilation will achieve the required levels. It is an approach that is backed in by mechanical engineering experts: The required levels of natural ventilation can be achieved in our classrooms by opening windows, doors and assisted mechanical ventilation such as fans and air conditioning—all of the things that I spoke about yesterday.

In terms of community concerns—which the member raised in his question—I have been meeting very regularly with our principals and teachers, talking about the return to school and the advice coming to them about a range of measures, which again I addressed quite extensively in question time yesterday. Natural ventilation is a part of what we are doing. We have vaccinations for our teachers. We have COVID-safe requirements and measures in place. So we are taking the advice from health experts and engineering experts to make sure that our return to school is safe. We are ready to go. We are excited about it. I suggest that those opposite should pick a side and get on board. We want kids back at school. If they do too, they should back it in, listen—like they do on vaccination—to the experts on ventilation and welcome the kids back with open arms, like we will next week.

**The Hon. JOHN GRAHAM (12:20):** I ask a supplementary question. I assure the Minister that we want kids back at school.

**The PRESIDENT:** Order! The Hon. Don Harwin will cease interjecting. The Deputy Leader of the Opposition has the call.

**The Hon. JOHN GRAHAM:** Will the Minister elucidate the part of her question that goes to NSW Health's involvement, given that Dr Chant has told Parliament through its committee system that "the Department of Education is undertaking that ventilation audit"? When she was asked by our colleague Ms Cate Faehrmann whether she provided any recent information about filters or air purifiers, she said, "No, we have not provided any specific advice about that."

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:21):** I spoke about this yesterday. I will reiterate it today. The Department of Education has worked and will continue to work very closely with NSW Health and the public health team around everything to do with COVID and those settings in our schools. We have done that from the beginning of the pandemic. We will continue to do that. We

have conducted, as I said yesterday, that audit of every single classroom in every single public school in New South Wales to make sure that we have the ventilation required. That is why we have got that independent engineering advice—to make sure we have the air quality levels required. We have done our homework. We are ready for our students to come back. I do not know how many times I have to keep saying this. Ventilation is a part of our return to school. So is vaccination. So are our COVID-safe requirements. We are ready for the kids to come back. We are excited about it and those opposite should be in exactly the same position.

**The Hon. MARK LATHAM (12:22):** I ask a second supplementary question. In the Minister's answer to the question about school safety she made numerous references to vaccination among teachers. What will be the teacher vaccination rate next Monday, when the schools reopen?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:22):** I thank the honourable member for his question in relation to our staff vaccination rates. As I said yesterday, the data is being collected for our return to school. We have surveyed our staff a few times in the lead-up to that return about vaccination rates. That data clearly showed us that the school vaccination rates for our staff are very much in line with community numbers. I can tell the honourable member that, as at 9.00 a.m. today, more than 89,000 staff input their vaccination status into our vax system, telling us that 94 per cent of these staff are fully vaccinated. So we are ready for that return to school. Obviously we start with some of our students back—

**Mr David Shoebridge:** It is all voluntary. They don't know.

**The Hon. SARAH MITCHELL:** We do know. I am just telling members. It is not voluntary. Mr David Shoebridge has no idea what he is talking about.

**The Hon. Don Harwin:** Point of order: Throughout question time the Hon. Penny Sharpe, the Hon. John Graham, the Hon. Daniel Mookhey, the Hon. Walt Secord and now, repeatedly, the Hon. David Shoebridge have engaged in an exercise of gamesmanship to disrupt question time and Ministers giving answers through their continual interjections. It is not in the traditions of this House, which are civility and debate. I urge you to uphold the traditions of the House, Mr President.

**The PRESIDENT:** I note that it is a bit difficult to gauge exactly where some of the utterances are coming from given that members are masked, but I again urge members to ensure that the Minister or whoever is answering the question has the opportunity to do so without being interrupted. The Minister has the call.

**The Hon. SARAH MITCHELL:** There were some comments that I should not respond to, I know, but it was said it is voluntary; it is not. There is a public health order that clearly says all employees, contractors, volunteers and students at our schools and early childhood education and care facilities must have had two doses of the COVID-19 vaccine by 8 November. They have to put that in as a condition of employment. As I said, in terms of the updated numbers today, of the data we have, more than 89,000 staff have already put that vaccination status into our department's vax system. Over 94 per cent are fully vaccinated. About 5.4 per cent are partially vaccinated and less than 1 per cent either have a medical contraindication or are not vaccinated.

#### WARRAGAMBA DAM WALL

**The Hon. ROD ROBERTS (12:25):** My question is directed to the Hon. Don Harwin, representing the Hon. Stuart Ayres, the Minister responsible for western Sydney. I refer the Minister to the role of Minister Stuart Ayres in delivering billions of dollars of government rail and water funding for the benefit of the Celestino development company for its Sydney Science Park. Against all sound environmental, heritage and economic advice, why is Minister Ayres also trying to raise the Warragamba Dam wall to make more land available for higher-value residential developments downstream, including the Celestino proposals at Hambleton Park on the North Richmond riverbank for a 185-hectare housing estate, and the Jacaranda estate, a 580-lot development, the commercial marketing and value of which would be enhanced by the Warragamba expenditure?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:26):** Most of that string of assertions, a number of which were hypothetical, are open to significant question. In particular, the suggestion that some of the water and road projects have been delivered by the Minister when he is not the roads or the water Minister are just demonstrably questionable.

**The Hon. Penny Sharpe:** He is the Minister responsible for western Sydney.

**The Hon. DON HARWIN:** If the honourable Leader of the Opposition does not understand the administration of the allocation of the Acts and wants to be a Minister, then that is something the people of New South Wales should be very concerned about. So in any case—

**The Hon. Mark Latham:** Point of order: The Minister is misleading the Chamber. The question did not refer to road funding; it referred to rail. Minister Ayres was party to the city deal that delivered the hopelessly inadequate St Marys metro for the benefit of Celestino.

**The Hon. DON HARWIN:** The honourable member is now making debating points.

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

**The Hon. DON HARWIN:** If in fact it was rail, not road, I am happy to correct that but it is hardly a point of great substance. In any case, it is still the same Minister—the transport Minister.

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

**The Hon. DON HARWIN:** It is still the Minister for Transport and Roads so it is exactly the same Minister. It is well known why the Government is looking at raising the Warragamba Dam wall. It is as simple as this—to ensure that a number of historically very low-lying towns, such as Windsor and Richmond, have the capacity to delay the impact of a major flood so that people are able to exit those towns. That is why Minister Ayres is pursuing the raising of the dam wall project. In any case, I make those viewpoints to respond immediately but I am more than happy to refer the honourable member's question and obtain a response from the Minister to the points he has raised.

### HIGHER SCHOOL CERTIFICATE STUDENT SUPPORT

**The Hon. CATHERINE CUSACK (12:29):** My question is addressed to the Minister for Education and Early Childhood Learning. How is the New South Wales Government supporting HSC students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:29):** I thank the honourable member for her question and the opportunity to give a shout-out to our year 12 students. I know that a few members in this Chamber have children who are doing the HSC this year and I know it can be a challenging time for anybody. Obviously we have had freedom day in New South Wales this week but for the class of 2021 I am sure they are counting down to their own freedom day with the culmination of 13 years of schooling looming. A few parents are probably doing that as well.

After a challenging year, almost 70,000 HSC students are on the home stretch, with less than a month to go until the HSC written exams begin on 9 November. Despite the HSC taking place later than usual, the revised timetable ensures that the exams finish in time for students to receive their ATARs on 20 January 2022 and HSC results on 24 January 2022. Regardless of whether students are planning to go on to university or vocational training or into the workforce, the HSC is an important opportunity for students to demonstrate what they know. That is why we have worked closely with NSW Health to ensure that the 110 HSC written exams are able to go ahead in a COVID-safe way. A range of safety measures will be in place to ensure that the HSC exams are COVID safe, including mandatory masks and smaller class sizes to ensure physical distancing.

I am also pleased to note that while vaccination for students is not compulsory, we know that more than 80 per cent of our senior students have already had their first dose, which is encouraging. Of course, as in any year, if students are unable to attend an exam due to a positive COVID test result or being a close contact, illness and misadventure provisions will ensure that they are not disadvantaged. While we know this year has been tough on our students all round, we also know that there are some students who have faced more challenges than others due to the extended periods of learning from home and COVID lockdown. That is why our one-off special consideration program will also be available to recognise the impact on students who are particularly disadvantaged. More information on that will be coming to our principals shortly.

I thank our teachers and families across the State who have been working hard to support all of our year 12 students not only during the period of learning from home but also over the last 18 months. This year group also had their year 11 school year disrupted and our schools and families have done phenomenal things to support them. There has been access to a range of resources through our HSC hub in 2021 and more than 54,000 users visited it last year. It has been a really great resource. We have also had a number of students taking advantage of the limited return to school, which has been available for a number of weeks now, along with the more recent study bubble on school sites for up to five HSC students to meet to study together. That particularly came from my meeting with year 12 students who wanted that additional support. Good luck to the class of 2021. We are all behind you.

### COVID-19 AND TEACHERS RETURN TO WORK

**Mr DAVID SHOEBRIDGE (12:32):** My question is directed to the Minister for Education and Early Childhood Learning. Given the fact that the date for return to schools has been advanced by the Government to 18 October, can the Minister guarantee that no teacher or other worker who had been arranged to be fully



vaccinated by the original return date but is not able to return on 18 October will be prejudiced and that they will be entitled to full pay until they are first able to return to school fully vaccinated?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:33):** I thank the honourable member for his question about our return to school and our teacher vaccination rates. As I said earlier in response to the second supplementary question from the Hon. Mark Latham, our teachers are getting vaccinated at a rate of knots and they have been doing that for many weeks, which is very exciting. In the meetings I have had with many of our teachers and principals across the State, they have indicated that they are getting vaccinated, which is great. We have certainly seen that since we made our return to school announcement at the end of August. For some months now teachers have known that they need to be fully vaccinated by that date. We have made it clear to principals and school communities that anyone who is coming on site from 18 October will need to be vaccinated. Obviously, as I have said before in the House, there is that staggered—

**Mr David Shoebridge:** Point of order: The question was about pay. We are a minute into the answer and the word pay or remuneration has not been mentioned once by the Minister. The Minister is not being directly relevant.

**The PRESIDENT:** The Minister's comments are introductory and there is some relevance directly to the question. The Minister has the call.

**The Hon. SARAH MITCHELL:** As I was saying, anyone who is on that school site from 18 October will need to be fully vaccinated. Our staggered return is kindergarten, year 1 and year 12 coming back first next week and then all other remaining year groups from 25 October. We will work with our schools and our principals. The date in the public health order to be fully vaccinated for every teacher across the State is 8 November. That is the deadline that has been set through the public health order. As I said, our data collection rates indicate that we have tens of thousands of teachers who are vaccinated and ready to go back into the classroom. The member has asked specifically about work conditions and what happens if someone has not had their vaccination by that date when it is booked in. As I said, 8 November is the deadline according to that public health order. Schools will manage any teacher who might have a vaccination booked in that interim period who obviously cannot be on a school site. They will manage that and I know our department teams are working closely with our principals around that. As I said, there is ample opportunity to get vaccinated—

**Mr David Shoebridge:** Point of order: We are now two minutes into the Minister's answer and she has not addressed the issue of pay. The Minister needs to be directly relevant to the question.

**The PRESIDENT:** The Minister is being directly relevant. The Minister was talking about general conditions and working with staff and principals. The Minister has the call.

**The Hon. SARAH MITCHELL:** As I said, our department teams are working closely with our principals to manage that return to school. Like I said, tens of thousands of teachers are already vaccinated. The member's question has put forward a hypothetical about "what would happen if". Like I said, tens of thousands of teachers are already vaccinated and we will continue to work with our principals to manage that return to school.

**Mr DAVID SHOEBRIDGE (12:36):** I ask a supplementary question. When the Minister says that schools will manage the return to work, does that mean that principals will have the authority to put staff off without pay or require them to go on leave and access their leave applications if they have not been able to get the vaccination through no fault of their own on the first return date?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36):** Again I thank the member for his supplementary question. As I said, it will be a requirement to be fully vaccinated if you are on site from 18 October. They will not be penalised if they have not been vaccinated between 18 October and the public health order of 8 November. They might be put on alternative duties if there is a legitimate reason why they have not been vaccinated between that return to school start date and 8 November. But, like I said, in the conversations that I have had with numerous principals around the State, staff are vaccinated and ready to go. We will work through any individual issues as they arise. The public health order is very clear: It will be a condition of employment to be vaccinated from that date. But I am confident of the preparation that has been done. Teachers are vaccinated, they are ready to go and so are we.

**The Hon. MARK LATHAM (12:37):** I ask a second supplementary question. Could the Minister elaborate on that part of her answer about the survey responses to the Department of Education concerning vaccination? She said that 89,000 staff have returned the survey. How many staff have not completed and returned the survey, meaning that their vaccination status at this stage is not known?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:37):** I thank the honourable member for his question. We have approximately 130,000 school staff in New South Wales

in our public schools. That includes not just our teachers but our admin and school staff as well. That data collection began last week so in just over a week we have had more than 89,000 staff provide that information. That will continue. I am getting daily updates that the numbers of staff putting in their vaccination status is growing quite considerably and that will continue.

#### **PAYROLL TAX RELIEF**

**The Hon. DANIEL MOOKHEY (12:38):** My question is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. New South Wales businesses are struggling with hiring decisions for the next financial year. Will the Government extend the payroll tax discount for another year?

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

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39):** At least it is not a question seeking to continue the politics of division, because that is what those opposite do.

**The PRESIDENT:** The Minister will not debate the question.

**The Hon. DAMIEN TUDEHOPE:** This is a government that has always been committed to payroll tax relief. In fact, over the period of the Government we have given payroll tax relief on a regular basis to make sure that we are reducing the impact on businesses. In July 2021 the Government announced a new COVID-19 economic support package with additional payroll tax relief for businesses for 2021-22. In September 2021 this package was extended so that it now includes a deferral for the 2020-21 annual reconciliation to 14 January 2022, deferral of monthly returns for July to December 2020-21 to 14 January 2022, the option of a 12-month interest-free payment plan for deferred payments, and an automatic 50 per cent reduction of tax liability for customers with group wages of no more than \$10 million in 2021-22 who have experienced a 30 per cent decline in turnover.

So it cannot be suggested for one moment that we are not committed to making sure that we support businesses who pay payroll tax by giving them reductions in payroll tax. The best indicator of future performance is past performance. Let us have a look at the record of this Government when it comes to payroll tax.

**The Hon. Daniel Mookhey:** Point of order: My point of order is about relevance. I am not interested in the Government's previous decisions; I am interested in its future decisions, as are the 52,000 businesses. My question was: Will the Government extend the payroll tax discount for another year? It is about future intention. If the Minister can come back to that, it would be great.

**The PRESIDENT:** The question refers to struggling with hiring decisions for the next financial year and extending the payroll discount for another year. The Minister is being directly relevant. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** This is a member who does not like hearing about the performance of the Government. The New South Wales Government provided a suite of payroll tax relief through measures to help businesses and their workers through COVID-19. The payroll tax threshold was increased to \$1.2 million as of 1 July 2020. Increasing the payroll tax threshold from \$900,000 to \$1.2 million will save businesses around \$222 million in 2020-21 and \$800 million over the four years to 2023-24. It is estimated that around 3,500 businesses will become exempt with the decision to increase the threshold from \$1 million to \$1.2 million.

**The Hon. DANIEL MOOKHEY (12:42):** I ask a supplementary question. Will the Minister elucidate that part of his answer when he referred to the payroll tax rate—which was, I think, in the last five seconds of his answer? Will the Minister specifically address the issue of the additional \$1 billion in payroll tax set to be collected as that payroll tax reverts back in next year's budget?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:42):** The payroll tax rate for 2020-21 and 2021-22 was reduced from 5.45 per cent to 4.85 per cent. The lower tax rate is expected to provide New South Wales businesses with around \$2.1 billion in total savings across the two years 2020-21 and 2021-22.

**The PRESIDENT:** Order! The Hon. Daniel Mookhey has asked the question. He will give the Minister the opportunity to respond.

**The Hon. DAMIEN TUDEHOPE:** What I say to the shadow Treasurer is that this Government has a track record of supporting business through payroll tax relief. The raw numbers speak for themselves. In fact, just wait for us to look at the budget again next year and announce what provisions will be made in relation to that budget. But if you are looking for a government that supports small business and business generally through payroll tax relief, providing opportunities to employ more people, this is a government that is absolutely committed to doing that. I take this opportunity to compliment the Hon. Scott Farlow on the contribution he has made to the COVID economic recovery plan. He gave an adjournment speech on 14 September this year that

I urge those opposite to read because it demonstrates the commitment of the Government to consult with small businesses about the impact of COVID on those businesses and his involvement in that process. I compliment him on his involvement.

### SUICIDE PREVENTION FUND

**The Hon. TREVOR KHAN (12:45):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the New South Wales Government doing to address the rise in mental health concerns among at-risk populations?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:45):** I thank the honourable member for his question. His interest in mental health over the past 48 hours since his birthday is noted and very much appreciated. We know that some groups of individuals are at greater risk of suicide due to issues such as past trauma, stigma or isolation. Evidence tells us that those experiences not only destabilise their mental health and sense of connectedness but also make it extremely hard for them to ask for support. That is why the New South Wales Government is investing an additional \$8 million in the Suicide Prevention Fund to provide statewide access to existing suicide prevention strategy services, and it will be focused on priority groups.

We know that by encouraging safe conversations around suicide and suicidal behaviour people will know when and how to seek help. The new investment is focused on providing specialist suicide prevention services to areas of need as well as enhancing after-care services, which we know are extremely important in this whole sphere. Following a rigorous open tender process, NSW Health identified six organisations to deliver targeted suicide prevention activities. Suicide Prevention Australia will specifically target men in this campaign, breaking down the stigma around seeking help and promoting safe conversation around suicide, suicidal behaviour and, most importantly, improving access to existing prevention services.

Wellways Australia will particularly target young people—an area of expertise for them. The organisation delivers local and statewide campaigns to build awareness of support pathways at times of increased stress, suicide risk and isolation. The service will also include culturally diverse video campaigns. ACON will specifically target LGBTIQ people. Funding will expand its existing suicide after-care service to run statewide. This has been a very successful program run very well by ACON, and I am very pleased that it will now be able to deliver an online hub for members of this community, their family, friends and other support networks. Anglican Community Services will deliver suicide prevention training to people who work with seniors, including those in aged care, health and mental health.

HealthWISE in New England North West will deliver after-care services and also provide specialist help. It will work with people who are experiencing a suicidal crisis and who require immediate support, as well as with people who have previously attempted suicide. But its primary focus will be on people aged 16 years and over. NSW Health is also close to finalising an Aboriginal-led organisation to deliver a statewide community response package for Aboriginal and Torres Strait Islander people. We have not quite met the time frames on that, but that is because we are adamant that it needs to be run by Aboriginal-led organisations. The \$8 million investment in addition to the \$87 million for the Towards Zero Suicides strategy, which is one of the Premier's Priorities, is continuing the strong commitment of this Government to suicide prevention.

### EVEREST HORSERACE

**The Hon. MARK BANASIAK (12:48):** My question without notice is directed to the Hon. Don Harwin, representing the Premier. Does the Premier accept that his Government locked us down for over 100 days and created the perception of a city divided between the hard lockdown for citizens of western Sydney and the laissez-faire lockdown for citizens of the northern and eastern suburbs of Sydney? Will the Premier explain to the House why one of his first acts in office was to lift the cap from 5,000 to 10,000 attendees for this week's Everest horserace? Is it not the case that the Government has orchestrated the lifting of the lockdown to facilitate attendance at the race, which would have fallen within the lockdown had the lifting of the lockdown occurred, as originally anticipated, at the end of October? Why is the Government making health decisions based on the Premier's social calendar? Will the Premier take the opportunity to apologise to the people of western and south-western Sydney?

**The Hon. Don Harwin:** Point of order: The question was full of factors that fall foul of the standing order that relates to the asking of questions in terms of ironic expressions. It also contained imputations about members of the other place. It should not be allowed to stand.

**The Hon. Mark Banasiak:** To the point of order: I ask the honourable member to isolate where there was irony or imputation.

**The PRESIDENT:** Order! I have had the opportunity to read the question. It is very clear that it contains ironic suggestions, argument and imputation. I rule the question out of order.

#### COVID-19 AND PUBLIC SECTOR EMPLOYEES

**The Hon. GREG DONNELLY (12:51):** My question without notice is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that the community and businesses are starting to reopen, when will public servants return to their offices in New South Wales?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:51):** The answer is going to depend completely on the cluster and the context of the employment. Rather than give a general, high-level answer to the honourable member, I will be very happy to get one by the end of question time if possible—although, given the time, that is probably difficult. I will be very happy to give the member a more detailed answer tomorrow, or when it is available from the Department of Premier and Cabinet.

**The Hon. GREG DONNELLY (12:52):** I ask a supplementary question.

**The Hon. Damien Tudehope:** Point of order: The member cannot ask a supplementary question to a question taken on notice.

**The PRESIDENT:** That is why I am very interested to hear what the supplementary question is.

**The Hon. GREG DONNELLY:** We all saw what played out. The Minister commenced providing an answer and was starting to move down a reasonably good path. I was listening—indeed all members were, including those online—very carefully to the answer. We were just starting to get there, and then he pulled up. To the extent that the Minister had commenced and was moving down a path to provide an answer to the question, will he elucidate that part of the answer to give more detail in regard to the cluster aspect that he started to explain?

**The PRESIDENT:** That was an excellent try and most entertaining, but I rule the question out of order.

#### COVID-19 AND SMALL BUSINESS

**The Hon. LOU AMATO (12:53):** Via video link: My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government helping small businesses open in a COVID-safe way during the first stages of our road map to reopening?

*[A member interjected.]*

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53):** It is entirely inappropriate to be heckled before I start. I thank the honourable member for his question. Right from the start of the pandemic the New South Wales Government has supported and worked with small businesses to stay open in a COVID-safe way whenever possible. Earlier I made reference to the continual consultation that the Government has had in relation to the industry groups to make sure that can occur. According to a Business NSW survey 53 per cent of businesses would have closed without the COVID-19 assistance program from the Government, a program of support available statewide consisting of a business grant, JobSaver and micro-business grants totalling \$8.5 billion.

That money has gone into the bank accounts of small businesses. Now we have begun to get back to business under our road map to reopening, and the Government is asking businesses to take steps such as implementing COVID-19-safe plans, which include density limits, mask wearing, sanitising and utilising the Service NSW check-in app for customers. Additionally, for many businesses, including hospitality and non-critical retail, customers must present proof of being fully vaccinated, which can be downloaded through Medicare and via Services Australia and will soon be linked—

**The Hon. John Graham:** How soon?

**The Hon. DAMIEN TUDEHOPE:** Oh, don't they come in! Fair dinkum.

**The PRESIDENT:** The Minister will not encourage Opposition members.

**The Hon. DAMIEN TUDEHOPE:** I don't encourage them. The public health order requires occupiers of premises to take reasonable steps to ensure that, when not allowed, an unvaccinated adult is not present on the premises. There is guidance on the New South Wales Government website to assist all small businesses in keeping their staff and customers safe and in complying with public health orders.

**The Hon. Penny Sharpe:** How many languages is it in?

**The Hon. DAMIEN TUDEHOPE:** Lots. New South Wales police are available to respond, as always, to small businesses that need assistance in dealing with would-be customers who are there unlawfully. There will be outliers in the community, and I make reference to this now because it is important. Mrs Maureen Harding, the National President of Hair and Beauty Australia, shared this morning that there had not been one confrontational issue with a customer. Then there was an isolated, ugly incident at Cafe Dzajko. I encourage every member present to order a coffee from that cafe because that community responded with overwhelming support for the young barista who had been so rudely harassed. The whole community is on the road map to reopening together and I encourage everyone to get behind it in a COVID-safe way.

#### ANIMAL CRUELTY LAWS

**The Hon. ROBERT BORSAK (12:57):** My question without notice is directed to the Hon. Bronnie Taylor, representing the Minister for Agriculture and Western New South Wales. Animal cruelty laws are about to be replaced with animal rights law, and the Government seeks to adopt an animal rights agenda. Regarding discussions held with the Animal Justice Party, why are farmers, fishers and hunters—to name just a few—being betrayed and sold down the drain by The Nationals in return for support in this House and at the next election?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:57):** I thank the honourable member for his question. It refers to a Minister that I represent in this place who resides in the other place. The honourable member commented that the Coalition is working with the Animal Justice Party. If we looked at how many times the Shooters have voted with the Animal Justice Party and Labor, we would find that it far exceeds the times they have voted with the Coalition. I welcome the question from the Shooters.

**The Hon. Robert Borsak:** Point of order: I ask the President to draw the Minister back to the question.

**The PRESIDENT:** I was waiting for a point of order from a member of the Government. The question had very strong political overtones—let me put it that way—and I believe it is in order for the Minister to respond to those political overtones in the context of the question. The Minister has the call.

**The Hon. BRONNIE TAYLOR:** It is interesting when you are asked a question in this place, you give an answer and the person who has asked the question does not like it. I point to those voting percentages and I look forward to talking about how often the Shooters, Fishers and Farmers Party vote with Labor, The Greens and the Animal Justice Party. As the question contained a fair amount of detail, I will take the rest of it on notice and get back to the member. The people in our communities know that the Coalition represents them; the Shooters, Fishers and Farmers Party does not.

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

#### COVID-19 AND PUBLIC SECTOR EMPLOYEES

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:00):** I am able to provide the Hon. Greg Donnelly with some more information. The State has passed 70 per cent full vaccination. So, in line with the provisions of this stage in the road map, public service employees will continue to work from home if the employee is able to do so. When the State gets to 80 per cent full vaccination, which is speculated to be as soon as next Monday, consistent with the public health orders, public sector employers must continue to allow employees to work from home if reasonably practicable. Employers must also require employees who are not fully vaccinated to work from home if reasonably practicable.

From Wednesday 1 December 2021, working from home will be at the employer's discretion, regardless of the vaccination status of an employee. Managers will consider the reasonable business needs of their agency and the safety of their employees when assessing working from home arrangements after 1 December 2021 to ensure that frontline service delivery is safely maintained. When welcoming employees back to the office, public service agencies will be required to operate under strict COVID safety plans and guidelines. Where required, employees will continue to use personal protective equipment, such as masks, and maintain COVID-safe practices to minimise the risk of transmission.

#### *Supplementary Questions for Written Answers*

#### WARRAGAMBA DAM WALL

**The Hon. ROD ROBERTS (13:02):** My supplementary question for written answer is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts in his capacity as the Leader of the Government. What communication has Minister Ayres had with Celestino about the benefits of raising the Warragamba Dam wall to solve flooding issues around its property developments at Hambledon Park

and Jacaranda Ponds? What advice has the Minister received from relevant agencies that raising the dam wall will alleviate flooding issues at North Richmond?

### COVID-19 AND SCHOOL VENTILATION

**The Hon. COURTNEY HOUSSOS (13:02):** Via video link: My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Who made the decision to seek external advice for air ventilation? What was the basis for the decision? Did it go to Cabinet? If it was a decision of the department, what body approved it?

#### *Written Answers to Supplementary Questions*

### SCHOOL VACANCIES

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

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

The below table outlines the number of full time and part time positions with the status "V-vacant" across New South Wales public schools as at 11 October 2021. This is inclusive of 1,494 Assistant Principal, Curriculum and Instruction positions, which are new and additional positions in schools supporting the New South Wales Government's \$256 million investment to strengthen a continuous focus on literacy and numeracy and support curriculum implementation.

School name	Total positions vacant
Aberdeen Public	3
Abermain Public	2
Adamstown Public	1
Adelong Public	1
Afterlee Public	1
Airds High	4
Ajuga School for Specific Purposes	1
Albert Park Public	1
Albion Park High	3
Albion Park Public	2
Albion Park Rail Public	4
Albury North Public	2
Albury Public	2
Albury West Public	2
Aldavilla Public	2
Alexandria Park Community	5
Alma Public	3
Alstonville High	1
Alstonville Public	1
Ambarvale High	5
Ambarvale Public	2
Anna Bay Public	1
Annangrove Public	1
Anson Street	3
Appin Public	1
Arcadia Public	1
Arcadia Vale Public	2
Ardlethan Central	2
Argenton Public	1
Ariah Park Central	3
Armida City Public	1
Armida Secondary College	2
Arranounbai	1
Arthur Phillip High	4
Ashbury Public	1
Ashcroft High	3
Ashcroft Public	4

Ashfield Public	1
Ashford Central	4
Ashmont Public	2
Asquith Boys High	2
Asquith Public	1
Athelstane Public	2
Attunga Public	1
Auburn North Public	6
Auburn Public	3
Auburn West Public	4
Austral Public	3
Awaba Public	1
Balarang Public	1
Bald Blair Public	1
Balgowlah Heights Public	3
Ballimore Public	1
Ballina Coast High	1
Ballina Public	3
Balranald Central	1
Bangor Public	2
Banks Public	4
Banksia Road Public	4
Bankstown North Public	1
Bankstown Public	4
Bankstown Senior College	1
Bankstown South Infants	2
Bankstown West Public	2
Baradine Central	2
Bardia Public	4
Bardwell Park Infants	1
Barellan Central	2
Barham High	1
Barham Public	2
Barkers Vale Public	1
Barmedman Public	1
Barnier Public	4
Barnsley Public	3
Barooga Public	1
Barraba Central	3
Barrack Heights Public	3
Barramurra Public	3
Barrenjoey High	1
Barrington Public	1
Barwon Learning Centre	2
Baryulgil Public	1
Bass High	2
Bass Hill Public	5
Bateau Bay Public	2
Batemans Bay High	1
Batemans Bay Public	4
Bathurst Public	2
Bathurst South Public	2
Bathurst West Public	7
Batlow Technology	2
Baulkham Hills High	1
Bayanami Public	1
Beaumont Road Public	2

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Beckom Public	1
Bedgerabong Public	1
Beechwood Public	1
Beelbanger Public	1
Bega High	2
Bega Valley Public	2
Bellambi Public	2
Bellata Public	1
Bellbird Public	2
Bellbrook Public	1
Bellevue Hill Public	2
Belltrees Public	1
Belmont North Public	3
Belmont Public	5
Belmore Boys High	1
Belmore North Public	2
Belmore South Public	2
Ben Lomond Public	1
Ben Venue Public	2
Bendemeer Public	1
Bennett Road Public	2
Berala Public	4
Beresfield Public	3
Beresford Road Public	2
Berkeley Public	2
Berkeley Vale Public	2
Berkeley West Public	1
Bermagui Public	2
Berowra Public	1
Berrigan Public	1
Bert Oldfield Public	1
Beverley Park	1
Beverly Hills Girls High	1
Beverly Hills North Public	3
Beverly Hills Public	6
Bexhill Public	1
Bexley North Public	2
Bexley Public	1
Biddabah Public	2
Bidwill Public	6
Bilambil Public	1
Billabong High	2
Binalong Public	1
Binda Public	1
Bingara Central	2
Binnaway Central	1
Binya Public	1
Biraban Public	3
Birrong Boys High	4
Birrong Girls High	3
Birrong Public	2
Black Hill Public	1
Black Mountain Public	1
Black Springs Public	1
Blackalls Park Public	2
Blackett Public	4
Blackheath Public	1



Blacksmiths Public	1
Blacktown Boys High	1
Blacktown North Public	1
Blacktown South Public	2
Blacktown West Public	2
Blackville Public	1
Blackwell Public	4
Blairmount Public	2
Blakehurst High	1
Blandford Public	1
Blaxcell Street Public	3
Blaxland High	6
Blayney High	1
Blayney Public	3
Bletchington Public	4
Bligh Park Public	3
Blighty Public	1
Blue Haven Public	2
Boambee Public	1
Bobin Public	1
Bodalla Public	1
Bogan Gate Public	1
Boggabilla Central	1
Boggabri Public	1
Bomaderry Public	2
Bombala High	1
Bonalbo Central	1
Bondi Beach Public	2
Bongongo Public	1
Bonnells Bay Public	2
Bonnet Bay Public	1
Bonnyrigg High	1
Bonnyrigg Public	2
Bonshaw Public	1
Bonville Public	1
Boolaroo Public	2
Booligal Public	1
Boomi Public	1
Booragul Public	2
Booral Public	1
Boree Creek Public	1
Boronia Park Public	3
Bossley Park High	3
Bourke High	4
Bourke Public	5
Bourke St Public	3
Bourke-Walgett Sch of Distance Ed	2
Bowen Public	2
Bowning Public	1
Bowraville Central	2
Bradbury Public	2
Braddock Public	2
Braidwood Central	2
Branxton Public	2
Breadalbane Public	1
Brewarrina Central	2
Briar Road Public	2

Bribbaree Public	2
Bridge Road	1
Bringelly Public	2
Brocklesby Public	1
Broderick/Gillawarna	4
Broke Public	1
Broken Hill High	2
Broken Hill North Public	4
Broken Hill Public	2
Bronte Public	1
Brooke Avenue Public	2
Broulee Public	1
Brungle Public	1
Brunswick Heads Public	1
Budgewoi Public	3
Bulahdelah Central	3
Bullarah Public	2
Bullimbal	1
Bundarra Central	1
Bungwahl Public	1
Buninyong Public	3
Bunnaloo Public	1
Burke Ward Public	2
Buronga Public	2
Burraneer Bay Public	2
Burren Junction Public	2
Burringbar Public	1
Burrumbuttock Public	1
Burwood Public	1
Busby Public	3
Busby West Public	4
Buxton Public	1
Byron Bay Public	1
Cabbage Tree Island Public	2
Cabramatta Public	4
Cabramatta West Public	2
Caddies Creek Public	3
Calare Public	1
Callaghan Coll Jesmond Snr Campus	1
Callaghan College Waratah Campus	4
Cambewarra Public	1
Cambridge Gardens Public	2
Cambridge Park High	1
Cambridge Park Public	3
Camden Haven High	3
Camden High	1
Camden Public	1
Camden South Public	2
Camdenville Public	4
Cammeraygal High	7
Campbellfield Public	1
Campbelltown East Public	2
Campbelltown North Public	3
Campbelltown Performing Arts High	9
Campbelltown Public	2
Campsie Public	4
Caniaba Public	1

Canley Heights Public	3
Canley Vale High	6
Canley Vale Public	3
Canobolas Rural Technology High	3
Canowindra High	1
Canowindra Public	1
Canterbury Girls High	3
Canterbury Public	3
Canterbury South Public	1
Capertee Public	1
Captains Flat Public	1
Carcoar Public	1
Cardiff High	2
Cardiff North Public	1
Cardiff Public	1
Cardiff South Public	1
Carenne	2
Cargo Public	1
Carinda Public	1
Caringbah High	1
Caringbah Public	1
Carlingford High	3
Carlingford West Public	6
Caroline Chisholm	2
Carramar Public	1
Carrathool Public	1
Carroll Public	1
Cartwright Public	2
Casino High	1
Casino Public	2
Casino West Public	2
Cassilis Public	1
Castle Hill High	5
Castle Hill Public	2
Casuarina	1
Casula High	4
Casula Public	2
Cattai Public	1
Caves Beach Public	2
Cawdor Public	1
Cecil Hills High	2
Centaur Public	1
Central Tilba Public	1
Cessnock East Public	3
Cessnock Public	3
Cessnock West Public	4
Chandler Public	2
Chatham High	2
Chatham Public	2
Chatswood High	6
Chatswood Public	3
Chatsworth Island Public	1
Cheltenham Girls High	3
Cherrybrook Public	2
Cherrybrook Technology High	2
Chester Hill High	8
Chester Hill North Public	5

Chester Hill Public	2
Chifley College Bidwill Campus	1
Chifley College Dunheved Campus	1
Chifley College Mount Druitt Campus	6
Chifley College Senior Campus	1
Chifley College Shalvey Campus	3
Chillingham Public	1
Chipping Norton Public	1
Chittaway Bay Public	1
Chullora Public	3
Clairgate Public	1
Clare Public	1
Claremont Meadows Public	3
Clarence Town Public	2
Clarke Road	1
Claymore Public	2
Clemton Park Public	1
Clunes Public	1
Coal Point Public	1
Cobar High	1
Cobar Public	3
Cobargo Public	1
Cobbitty Public	1
Coffee Camp Public	1
Coffs Harbour Public	2
Coleambally Central	6
Coledale Public	1
Collarenebri Central	2
Colo Heights Public	1
Colo High	1
Colo Vale Public	1
Colyton High	2
Colyton Public	4
Comboyne Public	1
Comleroy Road Public	1
Conargo Public	1
Concord High	4
Condell Park Public	3
Condobolin High	3
Condobolin Public	3
Condong Public	1
Congewai Public	1
Connells Point Public	1
Conservatorium High	1
Coerwull Public	4
Coogee Public	3
Coolah Central	2
Coolamon Central	3
Coolongolook Public	1
Cooma North Public	1
Cooma Public	1
Coomealla High	1
Coonabarabran High	4
Coonabarabran Public	3
Coonamble High	2
Coonamble Public	2
Coopernook Public	1

Coopers Creek Upper Public	1
Coorabell Public	1
Cooranbong Public	3
Cootamundra High	4
Copmanhurst Public	1
Coraki Public	2
Coramba Public	1
Coreen	2
Corindi Public	2
Corndale Public	1
Corowa High	2
Corowa Public	3
Corowa South Public	1
Corrimal East Public	1
Corrimal Public	1
Coutts Crossing Public	1
Cowper Public	1
Cowra High	1
Cowra Public	5
Crabbes Creek Public	1
Cranebrook High	5
Crawford Public	4
Crescent Head Public	1
Crestwood High	2
Crestwood Public	1
Cringila Public	2
Cromer Public	2
Cronulla High	1
Cronulla Public	4
Crookwell High	2
Croppa Creek Public	1
Croydon Park Public	2
Crystal Creek Public	1
Cudal Public	1
Cudgegong Valley Public	2
Culcairn Public	1
Cumberland High	4
Cundletown Public	2
Curlewis Public	1
Currabubula Public	2
Curran Public	7
Currans Hill Public	1
Dalmeny Public	2
Dapto High	3
Dapto Public	4
Darcy Road Public	1
Dareton Public	1
Darlington Point Public	2
Davidson High	2
Dawson Public	3
Dee Why Public	1
Deepwater Public	1
Delegate Public	1
Delungra Public	1
Denham Court Public	1
Deniliquin High	1
Deniliquin North Public	1

Deniliquin South Public	2
Denison College Bathurst Campus	3
Denison College Kelso Campus	6
Denistone East Public	1
Denman Public	2
Doonside Public	2
Doonside Tech. High	1
Dora Creek Public	2
Dorrigo High	2
Dorrigo Public	3
Douglas Park Public	1
Drake Public	1
Drummond Memorial Public	3
Drummoyne Public	1
Dubbo College, Delroy Campus	5
Dubbo College, Senior Campus	2
Dubbo North Public	2
Dubbo School of Distance Education	1
Dubbo South Public	3
Dubbo West Public	3
Dulwich High Visual Arts & Design	2
Dulwich Hill Public	1
Dundas Public	1
Dundurrabin Public	2
Dunedoo Central	1
Dungog High	3
Dungog Public	2
Dungowan Public	1
Duranbah Public	2
Duri Public	1
Durrumbul Public	1
E.A. Southee Public	2
Eagle Vale High	1
Earlwood Public	4
East Hills Public	3
Eastern Creek Public	1
Eastlakes Public	1
Eastwood Heights Public	1
Ebenezer Public	1
Ebor Public	1
Eden Public	3
Edensor Park Public	2
Edgeworth Heights Public	3
Edgeworth Public	4
Edmondson Park New Primary (Prov)	1
Edward Public	2
Eglinton Public	1
Elands Public	1
Elanora Heights Public	4
Elderslie Public	1
Eleebana Public	2
Elernmore Vale Public	1
Elizabeth Macarthur High	3
Ellalong Public	1
Ellerston Public	2
Ellison Public	1
Eltham Public	1

Emerton Public	2
Emmaville Central	1
Emu Plains Public	2
Endeavour Sports High	4
Engadine Public	1
Enngonia Public	1
Epping Boys High	2
Epping Heights Public	1
Epping Public	4
Erina High	2
Erskine Park High	3
Eschol Park Public	2
Euabalong West Public	1
Eugowra Public	1
Eumungerie Public	1
Eungai Public	1
Eureka Public	1
Eurongilly Public	1
Evans High	3
Evans River Community	2
Excelsior Public	4
Fairfax Public	1
Fairfield Heights Public	2
Fairfield High	2
Fairfield Public	3
Fairfield West Public	2
Fairvale High	1
Fairvale Public	4
Farmborough Road Public	2
Fassifern Public	1
Fennell Bay Public	3
Fern Bay Public	1
Fernhill	1
Figtree Heights Public	1
Figtree Public	3
Finigan School of Distance Ed	1
Finley High	1
Finley Public	1
Five Islands	2
Five Islands Secondary College	1
Floraville Public	2
Forbes High	2
Forbes North Public	3
Forbes Public	2
Forster Public	3
Fowler Road	1
Frank Partridge VC Public	3
Franklin Public	2
Frederickton Public	2
Freemans Reach Public	3
G.S. Kidd Memorial	1
Galston High	1
Galston Public	1
Galungara Public	3
Ganmain Public	1
Garah Public	1
Garden Suburb Public	3

Gardeners Road Public	2
George Bass	2
Georges Hall Public	2
Georges River Hurstville Boys Camp	1
Georges River Peakhurst Campus	1
Georges River Penshurst Girls Camp	1
Gerogery Public	1
Geurie Public	1
Gilgai Public	1
Gilgandra High	3
Gilgandra Public	2
Gillieston Public	4
Gillwinga Public	3
Girilambone Public	1
Girrakool	3
Girraween Public	4
Gladesville Public	1
Gladstone Public	1
Gledswood Hills Public	7
Glen Alice Public	1
Glen Innes High	2
Glen Innes Public	5
Glen Innes West Infants	1
Glen William Public	1
Glendale East Public	2
Glendale Technology High	1
Glendenning Public	1
Glenfield Park	2
Glenfield Public	2
Glenmore Park High	2
Glenmore Park Public	1
Glenorie Public	1
Glenreagh Public	2
Glenroi Heights Public	1
Glenroy Public	2
Glenvale	1
Glenwood High	2
Glenwood Public	1
Gloucester Public	2
Gol Gol Public	2
Goodooga Central	2
Goolgowi Public	2
Gooloogong Public	1
Goonellabah Public	2
Goonengerry Public	1
Gorokan Public	3
Gosford East Public	1
Gosford High	2
Gosford Public	1
Goulburn High	1
Goulburn North Public	1
Goulburn Public	1
Goulburn South Public	2
Governor Philip King Public	3
Grafton High	3
Grafton Public	2
Grahamstown Public	3



Gralee	2
Granville East Public	2
Granville Public	4
Granville South CPA High	5
Granville South Public	3
Gravesend Public	1
Great Lakes College Forster Campus	2
Great Lakes College Senior Campus	1
Great Lakes College Tuncurry Campus	1
Green Hill Public	1
Green Valley Public	2
Greenacre Public	2
Greenethorpe Public	1
Greenway Park Public	2
Greenwell Point Public	3
Gresford Public	1
Greta Public	3
Greystanes High	1
Greystanes Public	3
Griffith East Public	2
Griffith North Public	2
Griffith Public	3
Guildford Public	4
Guildford West Public	4
Guise Public	2
Gulargambone Central	2
Gulgong Public	4
Gulmarrad Public	1
Gum Flat Public	1
Gundagai High	3
Gundagai Public	2
Gundagai South Public	1
Gunnedah High	7
Gunnedah Public	3
Gunnedah South Public	2
Guyra Central	2
Gwabegar Public	1
Gwandalan Public	2
GyMEA Bay Public	2
Halinda	2
Hallidays Point Public	2
Hambledon Public	3
Hammondville Public	1
Hampden Park Public	3
Hampton Public	1
Hannam Vale Public	2
Hannans Road Public	2
Hanwood Public	2
Harbord Public	2
Harcourt Public	1
Harrington Public	2
Harrington Street Public	3
Harwood Island Public	1
Hassall Grove Public	3
Hastings Public	3
Hastings Sec College Pt Macqu Camp	3
Hastings Sec College Westport Camp	1

Havenlee	1
Hawkesbury High	3
Hay Public	2
Hay War Memorial High	3
Hayes Park Public	2
Hazelbrook Public	1
Heathcote High	4
Hebersham Public	2
Heckenberg Public	3
Henry Fulton Public	2
Henry Kendall High	1
Henty Public	1
Hernani Public	1
Hérons Creek Public	2
Hill End Public	1
Hill Top Public	2
Hillsborough Public	2
Hillside Public	1
Hillston Central	1
Hilltop Road Public	2
Hillvue Public	2
Hinchinbrook Public	1
Hobartville Public	2
Holbrook Public	1
Holman Place	1
Holmwood Public	2
Holroyd	2
Holroyd High	2
Holsworthy Public	1
Homebush Boys High	4
HopeTown School for Specific Purpos	1
Hornsby Girls High	1
Hornsby Heights Public	1
Hornsby North Public	2
Hornsby South Public	1
Horsley Park Public	1
Howlong Public	1
Hoxton Park High	1
Hoxton Park Public	1
Hume Public	2
Humula Public	1
Hunter River Community	2
Hunter River High	2
Hunter School of Performing Arts	2
Hunter Sports High	1
Hunters Hill High	1
Hunters Hill Public	1
Huntingdon Public	1
Hurlstone Agricultural High	2
Hurstville Public	1
Hurstville South Public	1
Ilford Public	1
Illabo Public	1
Illaroo Road Public	2
Illawarra Sports High	3
Iluka Public	1
Induna	1

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Ingleburn Public	2
Inner Sydney High	10
Inverell High	4
Inverell Public	2
Irrawang High	1
Irrawang Public	1
Islington Public	1
Ivanhoe Central	3
J.J. Cahill Memorial High	2
James Busby High	2
James Cook Boys High	3
James Erskine Public	3
James Fallon High	4
James Meehan High	3
James Ruse Agricultural High	1
Jamison High	5
Jamisontown Public	2
Jannali East Public	1
Jannali High	1
Jannali Public	1
Jennings Public	1
Jerilderie Public	1
Jerrabomberra Public	1
Jerrys Plains Public	1
Jewells Public	2
Jilliby Public	1
Jindabyne Central	4
Jindera Public	1
John Edmondson High	1
John Warby Public	3
Johns River Public	2
Jordan Springs Public	11
June High	1
June North Public	2
June Public	2
Kalinda	1
Kanahooka High	1
Kandeer	1
Kandos High	3
Kandos Public	3
Kanwal Public	2
Kapooka Public	1
Karabar High	6
Karangi Public	1
Karningul	1
Karuah Public	2
Katoomba High	4
Kearns Public	1
Kearsley Public	2
Kellys Plains Public	1
Kellyville High	1
Kelso Public	6
Kemblawarra Public	2
Kemps Creek Public	3
Kempsey East Public	2
Kempsey High	3
Kempsey South Public	4

Kempsey West Public	3
Kendall Public	1
Kensington Public	1
Kent Road Public	2
Kenthurst Public	2
Kentlyn Public	1
Kentucky Public	1
Khancoban Public	2
Killara High	3
Killarney Heights High	4
Killarney Vale Public	2
Kinchela Public	1
Kincumber High	1
King Park Public	2
King Street Public	4
Kings Langley Public	2
Kingscliff High	4
Kingsgrove High	3
Kingsgrove North High	2
Kingsgrove Public	4
Kingstown Public	1
Kingswood High	2
Kingswood Park Public	2
Kingswood Public	1
Kirrawee High	2
Kitchener Public	1
Kogarah High	1
Koonawarra Public	4
Koorawatha Public	1
Koorimal High	1
Kootingal Public	2
Kororo Public	1
Kotara High	1
Krambach Public	1
Ku-ring-gai Creative Arts High	1
Kurrambee	3
Kurri Kurri High	1
Kurri Kurri Public	3
Kyeemagh Public	4
Kyogle High	2
Kyogle Public	1
La Perouse Public	2
Laggan Public	1
Laguna Public	1
Lake Cargelligo Central	3
Lake Cathie Public	2
Lake Heights Public	2
Lake Illawarra High	1
Lake Illawarra South Public	2
Lake Macquarie High	3
Lake Munmorah Public	2
Lake Wyangan Public	1
Lakelands Public	2
Lakemba Public	1
Lalor Park Public	2
Lansdowne Public	1
Lansdowne Upper Public	1

Lansvale East Public	4
Lansvale Public	4
Lapstone Public	2
Laurieton Public	2
Lavington East Public	2
Lavington Public	3
Lawrence Public	1
Leeton High	1
Leeton Public	3
Leeville Public	1
Leichhardt Public	2
Leppington Public	2
Les Powell	4
Lethbridge Park Public	5
Leumeah Public	3
Leumeah Technology High	3
Leura Public	1
Lewisham Public	1
Lidcombe Public	7
Lightning Ridge Central	3
Lindfield East Public	1
Lindfield Learning Village	8
Lindfield Public	2
Lindsay Park Public	1
Lisarow Public	1
Lismore Heights Public	4
Lismore Public	2
Lismore South Public	2
Lithgow High	3
Lithgow Public	3
Liverpool Girls High	2
Liverpool Hospital	1
Liverpool Public	1
Liverpool West Public	2
Llandilo Public	2
Lochinvar Public	1
Lockhart Central	1
Lomandra	1
Londonderry Public	3
Long Flat Public	1
Lord Howe Island Central	2
Lowanna Public	1
Lowesdale Public	1
Lucas Gardens	2
Lucas Heights Community	2
Luddenham Public	1
Lugarno Public	1
Lurnea High	5
Lurnea Public	2
Lyndhurst Public	1
Lynwood Park Public	1
Macarthur Girls High	1
Macdonald Valley Public	1
Macintyre High	4
Macksville High	2
Macksville Public	3
Maclean High	1

Maclean Public	3
Macquarie Fields High	2
Macquarie Fields Public	2
Madang Avenue Public	2
Main Arm Upper Public	1
Mainsbridge 2	
Maitland East Public	1
Maitland Grossman High	1
Maitland High	3
Mallawa Public	1
Manifold Public	2
Manildra Public	1
Manilla Central	4
Manly West Public	2
Mannering Park Public	3
Manning Gardens Public	4
Maraylya Public	1
Marayong Heights Public	2
Marayong Public	3
Marayong South Public	1
Marks Point Public	2
Maroota Public	1
Maroubra Bay Public	2
Marra Creek Public	1
Marrar Public	1
Marrickville West Public	1
Marsden High	1
Marsden Road Public	3
Martindale Public	1
Martins Creek Public	1
Martins Gully Public	1
Marton Public	1
Mary Brooksbank	2
Mascot Public	1
Mathoura Public	1
Matong Public	1
Matraville Soldiers Settlement P.	1
Matraville Sports High	2
Mawarra Public	1
Mayfield East Public	1
Mayrung Public	1
McCallums Hill Public	1
Meadow Flat Public	1
Medlow Public	1
Melville High	2
Menai High	2
Mendooran Central	3
Menindee Central	2
Merewether High	1
Merimbula Public	1
Merriwa Central	4
Merrylands East Public	3
Merrylands High	2
Merrylands Public	2
Metella Road Public	3
Metford Public	3
Mian	1

Middle Dural Public	1
Middleton Public	2
Milbrodale Public	1
Miller Public	4
Millers Forest Public	2
Millfield Public	1
Milperra Public	2
Milton Public	2
Mimosa Public	1
Minchinbury Public	1
Minnamurra Public	2
Minto Public	1
Mitchell High	2
Mitchells Island Public	1
Moama Public	2
Model Farms High	5
Mogo Public	2
Molong Central	2
Monaro High	5
Monteagle Public	1
Moonbi Public	1
Moorebank High	1
Moorefield Girls Technology High	1
Moorland Public	2
Moree East Public	4
Moree Public	4
Moree Sec Coll Albert St Campus	4
Moree Sec Coll Carol Avenue Campus	5
Morgan Street Public	4
Morisset High	2
Morisset Public	2
Moruya High	1
Moruya Public	5
Mosman High	1
Moss Vale High	1
Moulamein Public	2
Mount Annan High	1
Mount Annan Public	2
Mount Austin High	8
Mount Austin Public	1
Mount Brown Public	2
Mount Colah Public	2
Mount Druitt Public	2
Mount George Public	1
Mount Hunter Public	1
Mount Hutton Public	2
Mount Kanwary Public	1
Mount Kembla Public	1
Mount Kuring-gai Public	2
Mount Lewis Infants	1
Mount Pleasant Public	1
Mount Pritchard East Public	2
Mount Pritchard Public	1
Mount Terry Public	3
Mount Victoria Public	1
Mount View High	3
Mount Warrigal Public	4

Mowbray Public	1
Mudgee High	2
Mudgee Public	4
Muirfield High	2
Mulbring Public	1
Mullaley Public	1
Mullaway Public	1
Mullion Creek Public	1
Mullumbimby Public	1
Mulwala Public	1
Mulwaree High	4
Mulyan Public	3
Mumbil Public	2
Mummulgum Public	1
Mungindi Central	3
Murray Farm Public	1
Murray High	1
Murringo Public	1
Murrumbateman New Primary (Prov)	1
Murrumbidgee Regional High	14
Murrumburrah High	1
Murrumburrah Public	3
Murrurundi Public	1
Murwillumbah East Public	2
Murwillumbah High	2
Murwillumbah Public	4
Muswellbrook High	5
Muswellbrook Public	3
Muswellbrook South Public	3
Nabiac Public	2
Nambucca Heads Public	2
Nana Glen Public	1
Nangus Public	1
Naradhan Public	1
Narara Public	3
Narara Valley High	5
Narellan Vale Public	2
Narooma High	4
Narooma Public	1
Narrabeen Lakes Public	1
Narrabeen Sports High	2
Narrabri High	2
Narrabri Public	2
Narrabri West Public	2
Narrandera East Infants	1
Narrandera High	1
Narrandera Public	2
Narranga Public	2
Narromine High	1
Narromine Public	2
Narwee Public	1
Nemingha Public	1
Nepean CPA High	1
Neutral Bay Public	1
Neville Public	1
Newbridge Heights Public	1
Newcastle High	4



Newington Public	1
Newling Public	5
Newtown HS of the Performing Arts	1
Newtown Public	1
Niagara Park Public	2
Niangala Public	1
Nicholson Street Public	1
Niland	2
Nimbin Central	2
Nords Wharf Public	2
Normanhurst Boys High	3
North Gosford Learning Centre	1
North Haven Public	1
North Kellyville Public	5
North Nowra Public	2
North Rocks Public	1
North Star Public	1
North Sydney Boys High	1
North Wagga Public	2
Northbourne Public	14
Northbridge Public	2
Northlakes High	1
Northlakes Public	4
Northmead CPA High	1
Northmead Public	1
Noumea Public	2
Nowra East Public	4
Nowra High	5
Nowra Public	5
NSW School of Languages	3
Nth Beaches Balgowlah Boys Campus	2
Nth Beaches Cromer Campus	9
Nth Beaches Freshwater Snr Campus	1
Nth Beaches Manly Campus	3
Nulkaba Public	2
Nundle Public	1
Nuwarra Public	1
Nymboida Public	2
Nyngan Public	2
Oak Flats High	1
Oak Flats Public	1
Oakdale Public	2
Oakhill Drive Public	2
Oaklands Central	2
Oakville Public	1
Oberon High	1
Oberon Public	3
Ocean Shores Public	1
OConnell Public	1
Old Bar Public	2
Old Bonalbo Public	1
Old Guildford Public	4
Oran Park High	7
Oran Park Public	1
Orana Heights Public	3
Orange East Public	2
Orange Grove Public	2

Orange High	1
Orara High	4
Orara Upper Public	1
Orchard Hills Public	2
Ourimbah Public	1
Oxley High	5
Oxley Park Public	4
Oxley Vale Public	2
Oyster Bay Public	2
Pacific Palms Public	2
Paddington Public	1
Padstow Heights Public	2
Padstow North Public	1
Padstow Park Public	2
Palinyewah Public	1
Pallamallawa Public	1
Palmers Island Public	1
Panania North Public	3
Panania Public	1
Parkes High	5
Parkes Public	1
Parklea Public	1
Parkview Public	2
Parramatta East Public	1
Parramatta High	2
Parramatta North Public	1
Parramatta Public	3
Parramatta West Public	3
Passfield Park	3
Paterson Public	3
Paxton Public	1
Peak Hill Central	1
Peel High	3
Pelaw Main Public	3
Pelican Flat Public	1
Pendle Hill High	3
Pendle Hill Public	2
Pennant Hills High	2
Pennant Hills West Public	2
Penrith High	2
Penrith South Public	4
Penrith Valley Learning Centre	1
Perthville Public	1
Peterborough	2
Picnic Point Public	1
Picton High	6
Pilliga Public	1
Pitt Town Public	2
Pittwater High	5
Plattsburg Public	2
Pleasant Hills Public	1
Plumpton High	11
Plumpton House	2
Plumpton Public	3
Point Clare Public	1
Pomona Public	1
Pooncarie Public	1

Port Hacking High	1
Port Kembla Public	1
Port Macquarie Public	2
Porters Creek Public	1
Portland Central	1
Prairievale Public	3
Prairiewood High	3
Premier Public	2
Prestons Public	3
Primbee Public	2
Punchbowl Public	5
Putney Public	1
Quaama Public	1
Quakers Hill East Public	1
Quakers Hill High	6
Quakers Hill Public	2
Quambone Public	1
Queanbeyan High	7
Queanbeyan Public	1
Queanbeyan South Public	2
Queanbeyan West Public	1
Quirindi Public	2
Raglan Public	1
Railway Town Public	2
Rainbow Street Public	1
Ramsgate Public	1
Rand Public	1
Randwick Boys Technology High	3
Randwick Girls Technology High	1
Randwick Public	1
Rankins Springs Public	1
Rappville Public	1
Rathmines Public	1
Raymond Terrace Public	3
Red Hill Public	3
Red Range Public	1
Redhead Public	2
Regents Park Public	2
Revesby Public	2
Revesby South Public	3
Richmond High	1
Ringrose Public	2
Riverbank Public	1
Rivers Sec, Kadina	3
Rivers Sec, Lismore	1
Rivers Sec, Richmond River	1
Riverside Girls High	1
Riverstone High	1
Riverstone Public	6
Riverwood Public	1
Robert Townson High	2
Robert Townson Public	3
Rockdale Public	2
Rockley Public	1
Rocky River Public	1
Rollands Plains Upper Public	1
Rooty Hill High	2

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Rooty Hill Public	2
Ropes Crossing Public	4
Rose Bay Secondary College	2
Rosebank Public	1
Rosehill Public	1
Roselea Public	1
Rosemeadow Public	2
Roseville Public	1
Rosewood Public	1
Ross Hill Public	3
Rossmore Public	1
Rouse Hill High	4
Rouse Hill Public	1
Rowena Public	1
Rowland Hassall	1
Royal Far West	2
Ruse Public	2
Russell Lea Public	1
Rutherford Public	3
Rutherford Technology High	4
Rydalmere East Public	1
Rydalmere Public	1
Ryde East Public	1
Ryde Public	2
Ryde Secondary College	5
Rylstone Public	1
Sackville Street Public	2
Sadleir Public	1
Salt Ash Public	1
Samuel Terry Public	2
Sanctuary Point Public	2
Sandon Public	2
Sandy Beach Public	1
Sandy Hollow Public	1
Sarah Redfern High	3
Sarah Redfern Public	2
Sawtell Public	1
Schofields Public	3
School of the Air	1
Scone High	1
Scone Public	2
Seaham Public	1
Sefton Infants	1
Seven Hills High	5
Seven Hills North Public	2
Seven Hills Public	1
Seven Hills West Public	3
Shalvey Public	3
Shelley Public	4
Shellharbour Public	1
Sherwood Grange Public	1
Shoal Bay Public	3
Shoalhaven Heads Public	1
Shoalhaven High	5
Shortland Public	2
Singleton Heights Public	2
Singleton High	1

Singleton Public	1
Sir Eric Woodward	1
Sir Joseph Banks High	2
Smalls Road (provisional) Public	4
Smithfield Public	5
Smithfield West Public	2
Smiths Hill High	2
Smithtown Public	2
Snowy Valleys	1
Sofala Public	1
Somerton Public	1
South Creek	1
South Grafton High	2
South Grafton Public	3
South Sydney High	4
South West Rocks Public	1
Southern Cross Public	1
Southern Cross Sch of Distance Ed	4
Speers Point Public	2
Spring Farm Public	4
Spring Ridge Public	1
Springdale Heights Public	2
Springwood High	3
St Andrews Public	3
St Clair High	3
St Clair Public	3
St George Girls High	2
St Helens Park Public	1
St Ives High	4
St Ives North Public	1
St Johns Park High	2
St Marys North Public	2
St Marys Public	3
St Marys Senior High	6
St Marys South Public	3
St Peters Public	2
Stanford Merthyr Infants	1
Stewart House	1
Stockinbingal Public	1
Stokers Siding Public	1
Stratford Public	1
Stratheden Public	1
Strathfield Girls High	3
Strathfield North Public	3
Strathfield South High	3
Stroud Public	1
Stroud Road Public	2
Stuart Town Public	1
Stuarts Point Public	1
Summer Hill Public	1
Sunshine Bay Public	3
Surveyors Creek Public	1
Sussex Inlet Public	2
Sutherland North Public	1
Sutherland Public	1
Swansea High	2
Swansea Public	1

Syd Sec Coll Blackwattle Bay Campus	1
Syd Sec College Balmain Campus	2
Syd Sec College Leichhardt Campus	3
Sydney Boys High	1
Sydney Distance Education High	2
Sydney Girls High	1
Sylvania High	1
Table Top Public	1
Tabulam Public	1
Tacking Point Public	2
Tacoma Public	2
Tahmoor Public	3
Talbingo Public	1
Tallimba Public	1
Tambar Springs Public	1
Tamworth High	2
Tamworth Public	2
Tamworth South Public	3
Tamworth West Public	5
Tangara	2
Tanja Public	1
Tarcutta Public	1
Taree High	4
Taree Public	4
Taree West Public	3
Taren Point Public	1
Tarro Public	2
Tathra Public	1
Telarah Public	2
Telegraph Point Public	1
Telopea Public	1
Temora High	1
Tempe High	5
Tenambit Public	1
Tenterfield High	1
Teralba Public	1
Terrigal High	4
Teven-Tintenbar Public	3
Tharbogang Public	1
The Childrens Hospital	2
The Crescent	2
The Entrance Public	4
The Forest High	1
The Grange Public	1
The Henry Lawson High	1
The Hills	2
The Hills Sports High	1
The Meadows Public	1
The Oaks Public	1
The Pocket Public	1
The Ponds	1
The Ponds High	7
The Rock Central	2
The Sir Henry Parkes Memorial	4
Thirlmere Public	1
Thomas Acres Public	2
Thomas Reddall High	2

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Thornton Public	3
Thurgoona Public	4
Tibooburra Outback Public	2
Timbumburi Public	1
Tingha Public	1
Tinonee Public	1
Tintinhull Public	1
Tirranna Public	1
Tirriwirri	1
Tocumwal Public	1
Tomaree High	1
Tomaree Public	1
Tooleybuc Central	2
Toomelah Public	2
Toongabbie East Public	1
Toongabbie Public	1
Toongabbie West Public	1
Tooraweenah Public	1
Toormina High	4
Toormina Public	2
Toronto High	4
Toronto Public	2
Toukley Public	2
Towamba Public	1
Tower Street Public	1
Trangie Central	5
Tregeagle Public	1
Tregear Public	5
Trundle Central	1
Trunkey Public	1
Truscott Street Public	1
Tucabia Public	1
Tuggerah Lakes Berkeley Vale Campus	2
Tuggerah Lakes Tumby Umbi Campus	2
Tuggerah Public	1
Tuggerawong Public	3
Tullamore Central	1
Tullibigeal Central	3
Tullimbar Public	4
Tulloona Public	2
Tumbarumba High	3
Tumbarumba Public	1
Tumut High	2
Tumut Public	1
Tuncurry Public	3
Turramurra High	3
Turramurra North Public	1
Turramurra Public	1
Tweed Heads Public	1
Tweed Heads South Public	2
Tweed River High	2
Tyalgum Public	1
Tyalla Public	3
Uki Public	2
Ulladulla High	1
Ulmarra Public	1
Ulong Public	2

Ultimo Public	1
Umina Beach Public	4
Unanderra Public	2
Ungarie Central	3
Uralla Central	3
Urana Public	1
Vacy Public	1
Valentine Public	2
Valley View Public	1
Vardys Road Public	2
Verona	1
Victoria Avenue Public	2
Villawood East Public	4
Villawood North Public	3
Vincentia High	5
Vincentia Public	1
Vineyard Public	1
Wadalba Community	3
Wagga Wagga Public	1
Waitara Public	3
Wakool Burraboii Public	1
Walbundrie Public	1
Walcha Central	1
Walgett Community College - High	11
Walgett Community College - Primary	4
Walhallow Public	2
Walla Walla Public	1
Wallabadah Public	2
Wallerawang Public	2
Wallsend Public	1
Walters Road Public	2
Wambangalang EEC	1
Wamberal Public	3
Wamoon Public	1
Wanaaring Public	2
Wangee Park	1
Wangi Wangi Public	1
Waratah West Public	1
Wardell Public	1
Warialda High	4
Warialda Public	1
Warilla North Public	2
Warilla Public	3
Warners Bay High	1
Warners Bay Public	1
Warnervale Public	3
Warrawee Public	2
Warrawong High	1
Warrawong Public	3
Warren Central	3
Warwick Farm Public	1
Wattawa Heights Public	2
Wattle Flat Public	1
Wattle Grove Public	1
Wauchope High	2
Wauchope Public	2
Waverley Public	3



Wee Jasper Public	1
Wee Waa High	1
Wee Waa Public	2
Weethalle Public	1
Weilmoringle Public	2
Wellington Public	3
Wentworth Point Public	6
Wentworth Public	2
Wentworthville Public	2
Werrington County Public	3
Werrington Public	3
Werris Creek Public	2
West Ryde Public	3
West Wallsend High	5
West Wallsend Public	3
West Wyalong High	3
West Wyalong Public	2
Westdale Public	7
Westfields Sports High	2
Westlawn Public	1
Westmead Public	2
Weston Public	3
Westport Public	2
Wewak Street	1
Whalan Public	4
Wheeler Heights Public	1
White Cliffs Public	2
Whitebridge High	4
Whitton-Murrami Public	1
Widemere Public	1
Wideview Public	1
Wilberforce Public	1
Wilcannia Central	4
Wiley Park Public	2
Wilkins Public	2
Willawarrin Public	1
William Bayldon Public	2
William Dean Public	2
William Rose	2
Willmot Public	3
Willoughby Girls High	1
Willow Tree Public	2
Willyama High	6
Wilson Park	2
Wilsons Creek Public	1
Windale Public	5
Windang Public	2
Windsor High	5
Windsor Park Public	2
Windsor Public	2
Windsor South Public	3
Wingham Brush Public	3
Wingham Public	3
Wiripaang Public	2
Wisemans Ferry Public	1
Wollondilly Public	1
Wollongong High	5

Wollongong Public	1
Wombat Public	1
Wongarbon Public	1
Woodberry Learning Centre	1
Woodberry Public	2
Woodenbong Central	1
Woodland Road Public	3
Woodstock Public	1
Woolbrook Public	1
Woolgoolga High	2
Woolgoolga Public	2
Wooli Public	1
Woollahra Public	1
Woolomin Public	1
Woolooware High	2
Woongarra Public	2
Woonona East Public	1
Woonona High	2
Woy Woy South Public	2
Wyalong Public	1
Wyangala Dam Public	1
Wyee Public	2
Wyndham College	1
Wyndham Public	1
Wyoming Public	1
Wyang Creek Public	1
Wyang Public	3
Wyang Technology High	4
Wyrallah Public	1
Wyrallah Road Public	1
Wyaliba Public	1
Yagoona Public	4
Yanco Agricultural High	2
Yanco Public	1
Yandelora	1
Yanderra Public	2
Yarrowitch Public	1
Yass High	2
Yawarra Community	1
Yenda Public	3
Yennora Public	4
Yeo Park Infants	1
Yeoval Central	2
Yerong Creek Public	1
Yetman Public	1
Young High	4
Young North Public	3
Zig Zag Public	1

#### LUDDENHAM LAND DEVELOPMENT

In reply to the Hon. MARK LATHAM (12 October 2021).

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

In 2008, under the previous Government, developer contributions for water infrastructure were set to zero. Under the zero developer charges operating environment, Sydney Water's policy required developers to forward fund major water infrastructure where there was development risk. Sydney Water would then reimburse major infrastructure costs to the developer as development occurred.

Exceptions to this funding and reimbursement model were based on Sydney Water's infrastructure plans and the site's planning status.

Under Sydney Water's policy for rezoned land and accelerated development, if Sydney Water believed there remained development risk, the proponent would need to forward fund infrastructure. That funding and certain components of that funded infrastructure would be reimbursable under a commercial agreement as development progressed.

Under the final commercial agreement between Sydney Water and Celestino, Celestino provided up-front funding. Some funding is reimbursable as regulated or 'standard servicing', and some is non-reimbursable being unregulated "enhanced services" that are delivered on a purely commercial basis. This investment is staged, subject to demand and may require further commercial agreements.

#### *Committees*

### **SELECT COMMITTEE ON THE HIGH LEVEL OF FIRST NATIONS PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF DEATHS IN CUSTODY**

#### **Government Response**

**The Hon. DON HARWIN:** I table the Government response to the report of the committee entitled *The high level of First Nations people in custody and oversight and review of deaths in custody*, tabled 15 April 2021. I move:

That the report be printed.

**Motion agreed to.**

**The PRESIDENT:** I will now leave the chair. The House will resume at 2.30 p.m.

#### *Bills*

### **ELECTRIC VEHICLES (REVENUE ARRANGEMENTS) BILL 2021**

### **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2021**

#### **First Reading**

**Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Shayne Mallard, on behalf of the Hon. Damien Tudehope.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **NSW GENERATIONS FUNDS 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. Shayne Mallard, on behalf of the Hon. Don Harwin.**

**The Hon. SHAYNE MALLARD:** 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.

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

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

**Motion agreed to.**

#### *Private Members' Statements*

### **PUBLIC EDUCATION SYSTEM**

**The Hon. ANTHONY D'ADAM (14:35):** The Coalition Government has created a systemic crisis in our State's public education system. School infrastructure, learning outcomes and the education workforce have all deteriorated under this Government. The Coalition has created a situation in which students and staff share spaces without air conditioning, toilet facilities or HEPA air filters when we need to ensure that schools are COVID safe. Coalition policies have forced staff to take on new responsibilities without sufficient resources or remuneration.

These conditions have shifted the burden of education onto students and their families. The State's worsening teacher supply shortage provides an insight into the long-term consequences of the Coalition's failure in education. In response to Labor's questions on notice, the Government has admitted that classes are being combined and students given only limited supervision on hundreds of occasions. In city and country schools in New South Wales, some teachers are reporting class sizes of up to 45 students.

Earlier this year the Government admitted in its answers to questions on notice that classes were merged or under minimal supervision more than 785 times in a small sample of just five public schools. Concord High School alone had 169 classes either merged or put under minimal supervision. These statistics confirmed the education department's own workforce modelling, which warns that New South Wales will "run out of teachers in the next five years." Indeed, as recently as July 2021, briefing notes provided to the education Minister said that "New South Wales is facing a large and growing shortage of teachers." Despite this, the Minister has said the federation's claim of a looming teacher crisis was "blatantly misleading and self-serving". A recent NSW Teachers Federation survey found that 95 per cent of teachers and principals say shortages of teachers is a significant issue, 93 per cent say their school has difficulty recruiting casual teachers and 22 per cent of teachers say they are currently teaching outside their area of expertise.

This morning, the Minister admitted that there are 3,304 unfilled positions in New South Wales public schools and 1,624 schools have unfilled vacancies as of 11 October 2021. As the Gallop report has warned, non-competitive salaries and unsustainable workloads are contributing to a growing shortage of teachers. It should be no surprise that overworked and underpaid teachers are leaving the profession. The Coalition's lack of a proper workforce plan is a key driver in the decline of the system. Yesterday the Government confirmed its paltry offer to increase teacher salaries by 2.5 per cent. This Government is unwilling to grapple with the long-term solutions to these problems. If the Government was genuine, it would listen to teachers. The starting point should be a fair pay increase and a commitment to implement the recommendations of the Gallop report.

#### COVID-19 HEALTH ADVICE

**The Hon. MARK BANASIAK (14:38):** "Despite the growing risk of COVID-19 in Greater Sydney, we will not be giving up our right to host the State of Origin decider." The Hon. John Barilaro tweeted that on 26 June 2021, the day after Parliament was closed due to COVID-19 exposure and the day New South Wales went into its second lockdown, which was only supposed to last two weeks. The scaremongering and daily 11.00 a.m. COVID-19 porn that this Government has subjected the people of New South Wales to is shameful. While the Government shut down small businesses due to health advice, never to reopen, the same Government was crosschecking lockdown dates against its social calendar. The previous Deputy Premier continued the tweet:

I've spoken to @pvlandys and indicated we could host the game in Newcastle if the health advice recommends it not be held in Sydney.

"Health advice" has become a powerful phrase. Anything is possible when you have the right health advice. Take our outgoing Premier, for example. The health advice in June of this year put eight local government areas [LGAs] under much stricter lockdowns than many other suburbs in Sydney. Media reports from the LGAs told about the trauma being experienced by residents who had fled war-torn countries only to find helicopters flying above and a military presence. Interestingly, weddings could continue until the second weekend of lockdown. You see, when the Premier of the day called the June lockdown, she forgot she had a winter wedding to attend. It does not add up. If the health advice told us we needed to lock down and families could not visit their loved ones in hospital or the elderly in nursing homes, how was it possible that the former Premier could dance her heart out at a wedding? The hypocrisy is blatant.

Now, 107 days later, lo and behold we can reopen earlier than the original date slated for the end of October. "Freedom day"—which is another catchy phrase being churned out by the propaganda machine, like "health advice"—is becoming hard to stomach. The date has been brought forward to 11 October, just in time for the "world's richest race on turf", The Everest—also referred to as "the race that stops hibernation". It has awoken the bears in the bearpit in the other place—a little reward for themselves for locking us down. As a first act of leadership, our benevolent new Premier granted The Everest an exemption for 10,000 people, up from 5,000 people. How convenient that is for the Australian Turf Club and all the toffs who sit in their Royal Randwick boxes swilling champagne and pretending to like caviar. Good for them, but not so good for the New South Wales small businesses that could not afford to stay afloat during the lockdown. I challenge members opposite to abstain from attending The Everest and to stand in solidarity with the working class of western and south-western Sydney.

There are towns in regional and rural New South Wales with populations lower than 10,000 people that still cannot open their businesses at maximum capacity and are still subject to multiple restrictions. Some towns are experiencing worse conditions under so-called "freedom day". The lockdown has become an exercise in supremacy for members of this Government who have chopped and changed the rules to suit their own personal

and political agendas. The proof is on the front bench of our Government. Whilst New South Wales has been pushed to its economic and social limits, members of this Government have been posturing amongst themselves, concerned about their own personal and political climbs and about ensuring the lockdown did not disturb their social calendars.

### COVID-19 ROAD MAP TO REGIONAL RECOVERY

**The Hon. CATHERINE CUSACK (14:41):** Last week I travelled to a dystopian Sydney CBD to participate in the election of a new Liberal leader. After the meeting I felt blessed to find a cab. I jumped in, thanking the driver for being there to take me to the airport because I could not get home without him. He said, "Thank you, I've only returned to driving because I wanted someone to talk to." Sydney's staged reopening and restoration of freedoms under the New South Wales Government's road map is needed desperately. Road map transitions us to a new life. It is a 50,000-piece jigsaw that ensures that freedom and economic activity are safely restored as we move to the brave new world of living with COVID. As a resident of the Northern Rivers, I have only a small piece of the puzzle but the citizens of my community deserve consideration and good policy.

During the early phase of the Delta outbreak, our excellent Chief Health Officer hoped to suppress it with intensive vaccination in hotspot areas. I supported that, even penning an opinion piece in the Herald calling for extra Pfizer to waterbomb the virus flames in western Sydney. The rest of Australia decided not to help, which was an error and a bitter disappointment. The State Government diverted Pfizer vaccines from the regions, which received cross-party support from MPs in the Northern Rivers because we could see the importance, but it was not enough and here we are. My community has done the right thing, battling border closures and helping Sydney whilst trying to get vaccinated themselves. The supply of vaccine has been chaotic, especially in Byron shire, which was only receiving 300 doses a week until two weeks ago. Our Aboriginal community is only 25 per cent vaccinated. We have been so let down. Pharmacy-based vaccination took way too long. I have to control my anger, but it is hard.

When the new public health orders came into force on Monday, 80 per cent of my community had had only one jab and only 50 per cent had had two jabs. The problem is not hesitancy; we have been starved of supply. We implored the Government not to do this, but nevertheless the public orders deem single-jab citizens unvaccinated, suddenly banning 30 per cent of our citizens, who are mainly under 40 and have had the least access, from activities that had been available to them a day earlier. Thousands of children are disqualified from learn-to-swim lessons because their single-jab parents are suddenly banned from public pools. It is on such a scale that MidCoast Council has cancelled all learn-to-swim lessons until 2022. Richmond-Tweed libraries have shut completely until 1 December, impacting 300,000 people. Some pools are closed until 1 December, when they can be open to all. The impacts on business and hospitality have been horrendous. All of that is unnecessary. The simple, equitable solution is to consider single-jab citizens in the regions vaccinated, giving us time to catch up. In one stroke it eliminates confusion and unfairness. I implore the Government to do it.

### DIANA PALMER

**The Hon. MICK VEITCH (14:44):** I acknowledge the contribution of Diana Palmer to the disability sector following the announcement of her departure from IDEAS after 25 years of service. IDEAS is the acronym for Information on Disability, Education and Awareness Services, which is based in Tumut. Diana has worked tirelessly for IDEAS and in so doing has ensured the organisation has a reputation as one of the nation's leading providers of independent disability-related information. That should be a proud legacy for Diana. IDEAS is a specialist information service provider whose main function is to provide accurate and impartial information to people living with disabilities, their carers and the community. As Diana explains:

IDEAS is of the firm belief that the provision of accessible, quality information will lead to better inclusion for persons with disabilities, enabling them to lead the life that they choose.

Diana began working at IDEAS in 1997 after relocating to Tumut with her family so her children could grow up in the country. She has achieved a lot over the past 25 years in her role as executive officer. She has been in charge of the strategic direction of the organisation, negotiated funding and implemented innovative projects that meet the information needs of people living with disabilities. Indeed, in my previous occupation with a disability service provider based in south-west New South Wales, I often crossed paths with Diana at awareness and networking events. My service always actively availed our participants of information generated by IDEAS.

In recent years Diana has led the organisation through some of the toughest challenges possible: the recent bushfires and the COVID-19 pandemic. The solutions that IDEAS enacted in response to those events show how adaptable Diana is and her tenacity as a leader. Diana is also an advocate for rural New South Wales. The head office of IDEAS is located in Tumut but the organisation services a much broader area. The remarkable projects that IDEAS has delivered during Diana's tenure include the eBility bushfire relief website, which was a grassroots initiative born out of the need to provide essential resources to people with a disability recovering from the

bushfires, especially in areas where NDIS support is not available. The website provides a matching service so that people with equipment can list what they have available and people who need equipment can request items.

Another project is the promotion of Ezy-Dun, a portable accessible deluxe bathroom for all people with disabilities. Event organisers can hire Ezy-Dun so that people with disabilities can attend events. Ezy-Dun is wheelchair accessible, has a hoist and an adult-sized change table. Other projects include collaboration with Service NSW to deliver information to people in regional and rural areas, which was particularly important during the recent bushfires; the development and rollout of Infoqore, a database that contains mainstream and specialist services and support for people with disability and is designed to help disability support organisations find local services quickly and reliably; collaboration with the Australian Communications Consumer Action Network to build a website to help people with disabilities to access information about telecommunications; and establishment of inclusive activities at local festivals for people with disabilities to participate in. I thank Diana for all her hard work, commitment, and enthusiasm over the past 25 years. I wish her all the best for the future and hope she enjoys some quality family time.

### ABORIGINAL DEATHS IN CUSTODY

**Mr DAVID SHOEBRIDGE (14:47):** Only minutes ago the Government provided its response to the report of the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody. Literally, it landed only minutes ago. As every member of this Chamber who has been listening will know, there is a crisis amongst the First Nations communities in this country: a crisis of massive over-representation in our prison system, a crisis in the inadequate access to health and housing and, indeed, a crisis in First Nations peoples too often being second-class citizens in their own country. The select committee was made up of a broad cross-section of members of this Parliament. Pretty much every recommendation of that select committee was unanimous. The ultimate conclusion was that tinkering with things, tinkering with the criminal justice system, would not resolve matters.

We heard from family after family who had had deaths in custody. We heard from Aboriginal organisations, such as the Aboriginal Legal Service and others, who have been leading the debate to reform the criminal justice system. We heard that there is a fundamental breakdown in trust between First Nations communities and police, the corrective services system and, too often, the Coroners Court. That collective breakdown in trust is a real and continuing matter. The committee made critical recommendations that had a pathway to re-establish that trust. One, which I think is central to the report, is to have an independent body oversight all deaths in custody. That is critical. It was raised by family after family. It was raised by pretty much every Aboriginal-led organisation that we had in the committee. Today, in a short, three-line dismissal, the Government rejected that with no alternative position—simply rejected it. That will not re-establish trust between First Nations communities and the criminal justice system, the police and jails in this State.

Critically, the committee also recommended that the Coroner's Court be able to consider whether or not the implementation of the recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody could have averted a death. One would have thought that would be one of the easiest recommendations to adopt, but it was inexplicably rejected by the Government. That being said, the Government has supported some 16 of the recommendations. It has supported in principle another 10 and it says that eight recommendations are under consideration. If they are all done, there will be marginal improvement. But we do not need marginal improvement. First Nations people have told us unambiguously that it is not tinkering at the edges that is going to fix this; it is root and branch reform. That is what the Government has failed to do in this response today. We will look more closely at the response. We will look more carefully at the recommendations that have been accepted. But right now, as I see it, this is a betrayal of those families and communities who gave so much to try to save so many.

### SAFE HAVEN MENTAL HEALTH SERVICES

**The Hon. WES FANG (14:50):** In a world so interwoven and connected—whether it be socially, in the workplace or at home—this extraordinary period of isolation has drastically altered our way of being, and we have all felt a vast disconnect from our once perceived unshakable personal relationships. For some, this feeling of separation hit hard and, although we now see light at the end of the tunnel with our State reopening, we must continue to look at our own and our loved ones' mental health and wellbeing. Last month, my colleague and very good friend, the wonderfully talented mental health Minister announced that Wagga Wagga and Griffith would be two of 20 new drop-in "safe haven" centres to be trialled across New South Wales.

Anyone in the local community who is feeling rising distress or experiencing suicidal thoughts can now seek support at these centres that offer an alternative to going to a busy, stressful emergency department. It is vital that people know that they do not have to struggle alone on a bad day. They can go into a safe haven and get immediate help. This is all about creating a welcoming environment where people learn about their own responses

to crises and develop skills to help maintain their mental health. It can also be a place for people to just sit and have a cup of tea with a peer worker, join in an activity or sit in a quiet spot and listen to music.

These safe havens are for everyone. There is no referral required and anyone can drop in. Of utmost importance is that this model has been built on the lived experience of those who know about suicidal thoughts, many of whom have been involved in co-designing this new suicide prevention service. The district also consulted widely with local health and welfare agencies to tailor the delivery of care to the community. The safe haven provides compassionate, respectful care by peer workers with a lived experience of suicidality. I encourage anyone in the Wagga Wagga or Griffith community who has been experiencing distress to pop into either of the centres and have a chat to the staff. The support workers are uniquely placed to offer understanding and support because they have walked in their shoes.

### COVID-19 AND WESTERN AND SOUTH-WESTERN SYDNEY

**The Hon. ADAM SEARLE (14:53):** The Liberal-Nationals Government has failed west and south-western Sydney during the COVID lockdown. Australian Bureau of Statistics data on the decline of business payrolls shows clearly that the communities of west and south-western Sydney have largely paid the price for the reduction in economic activity caused by COVID restrictions, with declines of 14.9 per cent in the official payroll index in Fairfield, 13.3 per cent in Canterbury and 12.5 per cent in Bankstown, among others. These harsh financial realities reflect that those areas have faced the most severe restrictions on personal and business activity. At the other end of the spectrum is the North Shore and inner west, with declines of only 5.2 per cent in Mosman and 6.3 per cent in Leichhardt. These outcomes reflect the relative economic disadvantage historically experienced in this region, with much of its workforce engaged in insecure work with lower pay. This has now been magnified by the response to COVID-19. Not only are those living in so-called hotspots generally poorer and more ethnically diverse than the rest of Sydney, they are performing work that cannot largely be done from home and that is in industries which are being more adversely impacted by virus-related restrictions on activity.

West and south-western Sydney have also been at the centre of significant job losses during this time, losing around one-quarter of a million jobs—a loss of around one in 10 jobs—and the economic impact on those communities cannot be underestimated. The region was also hardest hit by the spread of the virus. The failure of the Coalition Government to provide the most harshly affected areas with additional social and economic supports has been both callous and unforgivable. Perhaps this response from the Coalition Government reflects the fact that eight of the 10 most affected areas are represented in Parliament by the Labor Party, while eight of the 10 least affected areas are represented by the Liberal Party. While the New South Wales Labor Opposition has rightly voiced its support for strong measures to protect public health, it is vital to our system of government that, where governments make mistakes or fail at important tasks, the official opposition calls it out clearly and provides an alternative approach. This is necessary to maintain the integrity of our system of government.

I note the budget reply speech given this morning by the Leader of the Opposition in the other place, which set out part of NSW Labor's alternative approach. This is both welcome and necessary because west and south-western Sydney are paying the social and economic price for the failures of the Liberal-Nationals Government on COVID. The Government's inaction and today's announcement by the Labor Party shows that only Labor will stand with them. We only have to reflect on the impacts. We can see that, while payroll jobs have fallen by some 3.8 per cent since lockdown began across the State, in Greater Sydney that has been nearly 9 per cent. Construction payrolls have declined nearly 23 per cent since the start of lockdown compared with a decline of only 5 per cent last year. When you look at different sectors you can see the impact this year has been far greater than last year, demonstrating that additional supports should have been put in place well before today.

### COVID-19 AND GREYHOUND INDUSTRY

**The Hon. ROBERT BORSAK (14:56):** The Government's health orders have struck again, this time with greyhound racing. Overnight 20 per cent of the industry has been shut out without warning. By way of health orders, the industry has been given one month to ensure that all participants are double vaccinated or they cannot participate. The greyhound racing industry has an 80 per cent vaccination rate—an impressive statistic and evidence that the industry clearly wants to do the right thing. Internal protocols were being discussed to get the industry up and running as soon as possible. The plan was for essential workers like the stewards and hospitality staff to be required to be double dosed and for antigen testing for participants. But instead of the Government informing the industry and providing clarity, the industry was left to find out for itself that all participants must be double dosed. The word "blindsided" has been used.

If the health orders are breached, those in breach are subject to multiple disciplinary actions not only from the police but also from the Greyhound Welfare and Integrity Commission [GWIC]. The perfect example is the recent disqualification of Mr Glen McKinley, who was charged with three offences all relating to the failure to obtain a Service NSW travel permit, despite numerous attempts to obtain one and even going to a Service NSW

office. Mr McKinley will be sidelined for 19 weeks now. Not only that, but GWIC has suspended Mr McKinley's dogs from racing, which has resulted in him having to sell 29 of his 45 greyhounds. He said in his words, "I am an emotional wreck".

Why are GWIC the self-appointed COVID police? How can an offence relating to a health order for COVID result in someone's livelihood being totally destroyed? It is outrageous. This is the threat that overnight changes to health orders wield. No-one can keep up with the health order; it has become an absolute joke. People are entitled to know the rules to which they are going to be subject at any time, yet this industry cannot keep up. GWIC has justified its action by saying that the conduct demonstrated a serious failure to adhere to protocols, despite Mr McKinley's good record over a very long time and his best endeavours to achieve compliance. The Government has failed the greyhound racing industry once again.

### **POLICE REMEMBRANCE DAY**

**The Hon. WALT SECORD (14:58):** As shadow Minister for Police, I draw the attention of the House to the annual Police Remembrance Day ceremony held on 29 September in the Domain. It is a day for police, their families and the whole community to pause and honour officers whose lives have been lost in the line of duty. It is also a time to remember police officers who have lost their lives through illness and other circumstances. This year's service was unique for me as, due to COVID restrictions, it was my first public function since I was appointed shadow Minister in June. Previously, in December 1999, I had the honour of attending the unveiling of the Wall of Remembrance when I was a staffer to then Premier Bob Carr. The names of New South Wales police officers who have lost their lives in the line of duty are etched on the wall. I had the privilege of laying wreaths with Governor Margaret Beazley, then Premier Gladys Berejiklian, police Minister David Elliott, Commissioner of Police Mick Fuller and Police Association of New South Wales President Tony King. It was a solemn affair.

Sadly, this year Senior Constable Kelly Ann Foster was added to the wall of remembrance after her tragic death on 2 January. Hers was the 275th name to be added to the memorial. Senior Constable Foster died while attempting to rescue her 24-year-old companion from a whirlpool at Mount Wilson in the Blue Mountains. Originally from the Sutherland shire, she was stationed at Lithgow and was a breast cancer survivor. She was posthumously awarded the commissioner's valour award. It is a single story, but one that goes to the heart of why we remember the loss of our police officers: an officer placed herself in harm's way in service of the life of a civilian. We not only remember Senior Constable Foster but we recall the fact that our police take risks like this on a daily basis to keep us safe. We are deeply grateful for their ongoing service.

It is apt that at this year's service we also remembered 16 service officers of the NSW Police Force who have died during the period of 29 September 2020 to 28 September 2021 from illness and other circumstances. We celebrate their service to New South Wales as well. Finally, I publicly thank Commissioner of Police Mick Fuller and his staff, as well as police Minister David Elliott, for providing an official invitation to the Opposition to attend. I hope that next year we can gather in larger numbers to mark the occasion. I thank the House for its consideration.

### **THE HON. DOMINIC PERROTTET**

**The Hon. LOU AMATO (15:01):** Via video link: I congratulate the Hon. Dominic Perrottet on his elevation to Premier of New South Wales. In his recent role as Treasurer, Dominic Perrottet has not had it easy. The Coalition Government inherited a State that had been seriously neglected by the former Labor Government. Infrastructure that was needed to keep our State moving and connected was in serious need of attention. Dominic Perrottet rose to the challenge and managed the economic precision needed to commence the largest scale infrastructure upgrades ever seen in the State's history. New South Wales was hit with drought and the worst bushfires in living memory. It was hit with floods and then COVID came along. Not many Treasurers are hit with so many financially crippling events in such a short period of time.

Each event required a rework of the State's budget to ensure New South Wales remained a financial beacon for all other States to follow. Through all of the trials, Dominic Perrottet excelled in keeping our State financially secure. When the history books are written on the devastation of the COVID pandemic, Dominic Perrottet will most likely be applauded as one of the best Treasurers in the history of New South Wales. We are fortunate that Dominic Perrottet is at the helm of our State. As our Treasurer, he served New South Wales with high distinction and his commitment will continue into his new role as Premier. The left-wing media has already begun their attacks upon him because he is a man of faith. Because he believes in something greater than himself and in humility he relies upon his faith as a guidance for his life, this has somehow become a negative topic of discussion with the left-wing media. Some social media sites have even questioned his ability to lead our State because he has six children. Some seem to forget that being a loving father of six children motivated him to ensure the continued economic wellbeing of New South Wales so that all children can look forward with optimism, knowing that Dominic Perrottet has made our State great.



The media attacks are directed towards his deep Catholic faith, which is unacceptable. Because he is motivated by deep spirituality that has caused him to seek a deeper morality, the media wish to present spirituality as a weakness. In essence, the media's attacks on his moral values can only be interpreted to mean that, according to the media, immorality is preferred over morality. I have the privilege of knowing Dominic Perrottet. I can say that he is a man whose moral integrity undoubtedly guided him to being possibly the best Treasurer in New South Wales. I have no doubt that all the qualities of Dominic Perrottet that have got us through droughts, fires, floods and pandemics will continue as he leads us as the forty-sixth Premier of New South Wales.

*Documents*

**FLOODPLAIN HARVESTING**

**Production of Documents: Further Order**

**Debate resumed from an earlier hour.**

**The Hon. ROSE JACKSON (15:05):** Labor will be supporting Ms Cate Faehrmann's Standing Order 52 call for papers. As she said in her remarks, this policy area has been characterised by a lack of transparency and a lack of consultation from the beginning. It is important that we try to address that now by having as much information as we can on the table. She was also correct in identifying the role that the review committee plays in the management of floodplain harvesting and the healthy floodplains project. Unfortunately, despite that central role that she identified, it is very difficult to ascertain details of its operations. As we have a committee process underway and as there is active consideration of the licensing of floodplain harvesting occurring right now, it is important that we have all of the information on the table. It is important in developing our policy response to that issue, but it is also important in building the confidence and trust in the licensing system that we need going forward.

People may recall the debate that we had when we established the select committee. In the end, that committee had bipartisan support, which was a good sign. A lot of people noted that we have talked about this issue ad nauseam over many years and that there is an interest across the Parliament in having it resolved once and for all. For that to happen, there needs to be a rebuilding of trust and more confidence in the system. Having this kind of information available is a really important step along that path. Labor will be supporting the motion of Ms Cate Faehrmann. We look forward to having all of the information on the table, we look forward to full transparency on this and we look forward to having this issue resolved.

**The Hon. SAM FARRAWAY (15:07):** The Government will not be opposing the motion.

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

**Motion agreed to.**

**NSW GENERATIONS FUND (DEBT RETIREMENT FUND)**

**Production of Documents: Order**

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

That private members' business item No. 1337 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (15:08):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, Treasury, or New South Wales Treasury Corporation relating to the NSW Generations Fund (Debt Retirement Fund):

- (a) all documents regarding the decision to add \$2 billion to the NSW Generations Fund in the 2020-21 financial year;
- (b) all documents regarding any further contribution to the NSW Generations Fund intended for the next three years;
- (c) all briefs, including attachments to briefs, sent to, signed by, drafted for or approved by the Treasury Secretary, or any Deputy Secretary regarding the NSW Generations Fund;
- (d) all briefings or presentations to NSW Treasury's Asset & Liability Committee [ALCO] regarding any matter related to the NSW Generations Fund;
- (e) all minutes for any NSW Treasury's Asset & Liability Committee [ALCO] meeting which considered any matter related to the NSW Generations Fund;
- (f) all briefings and advice provided by the NSW Treasury's Asset & Liability Committee [ALCO] to the Treasury Secretary or Treasurer regarding the NSW Generations Fund;
- (g) any document which discloses the investment mandate of any fund in the NSW Generations Fund;

- (h) any document which authorises TCorp to manage the NSW Generations Fund;
- (i) the balanced scorecard assessment referred to by the TCorp Chief Executive regarding his performance pay at Portfolio Committee No. 1 - Premier and Finance Budget Estimates 2021-2022 inquiry hearing on 20 August 2021;
- (j) any document which specifies the key performance indicators the TCorp Chief Executive must meet in order to access performance pay for each year or period of entitlement; 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.

During lockdown I had great cause to spend a lot of time with the budget papers. As I was rifling through the back pages and paying close attention to the financial statements, particularly the cash statements as they relate to the general government sector of the budget—not the general government sector or the non-financial public sector—I discovered that, for some reason, there was a huge variation in the budget handed down and the budget that took place six months ago. There was a decision to acquire an additional \$20 billion worth of financial assets over the next four years, or, in layman's terms, assets we expect to earn a profit on that are financial in nature.

This, of course, was quite a surprise to me but equally quite a surprise to the bond market, which at the same time was trying to understand why a government that had handed down a deficit said at the time to be about \$8 billion but equally with borrowing needs of about \$18 billion was seeking to raise \$31 billion from the capital market. Of course, this did become an issue of public controversy when all of a sudden New South Wales started paying the most for its debt of any jurisdiction in Australia. We were being charged more by lenders than States with inferior credit ratings to us, which has never, ever happened in our history.

We have never in our history had to pay more than South Australia has to raise debt. Yet, all of a sudden, in two to three weeks in the middle of a lockdown when you expect that maybe we were seeking all this money to help pay for our COVID response, maybe it was the case that that was the reason—but, as it turns out, it was not. Because, as we then managed to figure out, what the Government and the Treasurer at the time, Mr Perrottet, were wanting to do was borrow upwards of \$20 billion and sink it into the NSW Generations Fund in what would be the biggest carry trade or margin lending in Australian history and arguably the world. No government in the world had ever thought, "Hey, you know what? Let's turn the entire balance sheet into an investment machine. Let's use the good name and goodwill of the people of New South Wales to borrow as much as we want and bet it on stock markets and other globally risky financial trade," in a hope that we exceed the cost of the debt. Now, whichever genius had this idea seemed to omit two of the major risk factors.

**The Hon. Rose Jackson:** The Premier.

**The Hon. DANIEL MOOKHEY:** I accept the interjection. It turns out the genius was the Treasurer at the time, now the Premier. But the issue that we have with this is the same issue that Peter Costello has if such a proposal was to be presented to the Future Fund. In fact, when I was considering whether Labor should support or oppose this, I invoked the wisdom of Costello in his memoirs when he actually set out the case against such a stupid policy as that which has been pursued, it seems, by the New South Wales Government. Treasurer Costello makes the point that if any government was to do this, what is to stop them? Why not borrow as much as you want and hope that you happen to invest it correctly? He made the point that governments should only be borrowing to meet their essential needs. We on this side of the House say that in June and July the only reason New South Wales should have been tapping the debt markets was to help businesses survive, to save jobs, to pay for our pandemic response and to support our hardworking public servants as they took us through that, not to indulge the then Treasurer and now Premier's risk appetite.

We came to budget estimates on 20 August and sought as much detail as we could about this crazy scheme that was embarked upon by Treasurer Perrottet and is still pursued by Premier Perrottet and Treasurer Kean. The biggest State secret at all the budget estimates was whether or not the Government was still continuing on with this nutty scheme of borrowing up to \$20 billion to sink into the NSW Generations Fund. We asked the questions on notice and got the anodyne responses that you would expect when a government has something to hide. We want to understand why we are borrowing four times what the pandemic cost the budget last year to bet on these financial trades and in these financial markets. We want to understand why all of a sudden the Premier's carry trade has more importance than, say, the schools of the people of Parramatta and Penrith and the desire to use debt to build schools if that is what is required. That is why we are moving this order for papers under Standing Order 52. I commend the motion to the House.

**The Hon. Shayne Mallard:** This is the party of Khemlani. The Hon. Mark Latham knows about that.

**The Hon. MARK LATHAM (15:13):** I have been invited to give something of a history lesson and it will not start with Tirath Hassaram Khemlani but rather WA Inc—I am old enough to remember that—the collapse of the South Australian bank and the virtual collapse of the Victorian economy under the Kirner Government. How surprised am I to learn that the New South Wales Coalition Government is repeating those mistakes! I very

much welcome the outburst of financial prudence and risk aversion by the shadow Treasurer because it is plainly insane to be borrowing for betting on financial derivatives in the markets, on the stock market and so forth. This is not a way to run the Generations Fund. The order for papers under Standing Order 52 should be supported on that basis and it ties in with the earlier observations we made about the Transport Asset Holding Entity of New South Wales [TAHE]. You have to wonder, why the financial trick of TAHE and why the financial risk of what is happening with the Generations Fund? It is a government that is drunk on spending.

The last budget document had 145 policy changes, all of them spending increases. It beggars belief that you could not, with the resources of the New South Wales Treasury, identify a single cost saving or efficiency in 145 policy change measures. Because the Government has got no fiscal control or discipline, it has been lured into these funny money schemes of the Generations Fund and the accounting trick of TAHE, putting the State's finances at risk. Now it is a time for prudence. It is all well and good to go out spending money and throwing it at different organisations. I mean, you had to feel sorry for poor Andrew "Twiggy" Forest, didn't you? A poor battling billionaire and they are throwing \$3 billion at him for hydrogen technological experiments.

It is a government that is drunk on spending, drunk on pork-barrelling and drunk on funding special interests. It is a government that will throw any grant at any lobby group, commercial interest or local fundraiser, particularly in country New South Wales, and it all has to come to an end. Because you will find out at ICAC next week how dangerous and in some cases how improper it is. I very much support the drive of the shadow Treasurer to bring fiscal prudence to issues like TAHE and the Generations Fund. There needs to be a clear audit of all these grant pork-barrelling schemes in New South Wales and the budget needs to be brought under some kind of control.

The new Premier needs to set up someone, the equivalent of a finance department, to go through and make cost savings because the spending is out of control. It has forced or pushed the Government into these funny money schemes that are laden with risk. So whether you are talking about Khemlani, WA Inc, the South Australian bank or the situation in Victoria with its development corporation back in the 1990s, no prudent government should engage in these financial experiments. The order for papers under Standing Order 52 should be supported and Matt Kean, if he had any sense, would forget all the rent seek funding and actually support this kind of approach.

**The Hon. SAM FARRAWAY (15:17):** The Government will not be opposing the motion.

**The Hon. DANIEL MOOKHEY (15:17):** In reply: I thank the Hon. Sam Faraway. He really was persuasive—far more than I expect from Government members. I thank the Hon. Mark Latham for his contribution as well.

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

**Motion agreed to.**

## **SYDNEY SCIENCE PARK WATER SERVICES**

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

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

That private members' business item No. 1345 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (15:18):** I seek leave to amend private members' business item No. 1345 in light of the answer provided by Minister Ayres earlier today to my supplementary question on Tuesday by:

- (1) Insert "the Treasury" after "Treasurer".
- (2) Insert after paragraph (b):
  - (c) all versions of draft and final commercial agreements between Sydney Water and Celestino, communications relating to the negotiation of the agreements, and all papers and decision-making documents of the Sydney Water Board relating to the agreements; and

**Leave granted.**

**The Hon. MARK LATHAM:** 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, excluding any documents previously returned under an order of the House, created since 1 March 2011 in the possession, custody or control of the Premier; Minister for Water, Property and Housing; Minister for Jobs, Investment, Tourism and Western Sydney; Minister for Finance and Small Business; Treasurer; the Treasury; Sydney Water Corporation; or Department of Planning, Industry and Environment relating to water services for the Sydney Science Park proposal:

- (a) all documents relating to the provision of water and other reticulated services to the proposed Sydney Science Park;

- (b) all documents relating to the announcement by the Minister for Water, Property and Housing and the Minister for Jobs, Investment, Tourism and Western Sydney on 17 December 2020 of Sydney Water Corporation's support for the development of Sydney Science Park water access, recycling and other publicly funded facilities;
- (c) all versions of draft and final commercial agreements between Sydney Water and Celestino, communications relating to the negotiation of the agreements, and all papers and decision making documents of the Sydney Water Board relating to the agreements; 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.

On the topic of special interests and funding that should not be there in terms of any valid measure of public interest, this Sydney Science Park Celestino development is a classic example because they came up with the concept in 2013-15 of an out of sequence development in western Sydney. It is not connected to any other urban area. Their proposition is to plonk a science park in the middle of farmland in Luddenham, which is backed by what appears to be the certainty of getting a rail station at Luddenham and other concessions from the Government. A whole host of Ministers have signed up to various agreements—health, transport and disability—to favour the publicity that Celestino has tried to promote about its science park. At that time in 2015 the development documents went through to Penrith council. Naturally, Sydney Water was asked about it and it said that it was an out of sequence development and it would have to be funded out of its own resources at no cost to government. The standard policy is that if you want to do something away from other urban areas you will have to fund water reticulation and other services yourself—so no cost to government was very clear.

The Department of Planning, Industry and Environment had a look at it at the time and said it was an out of sequence development and must be done at no cost to government. Well, lo and behold, five years later Minister Ayres and Minister Pavey turn up at the Sydney Science Park—the barren fields where nothing has been built and perhaps nothing of any substance will ever be built—and offer \$200 million for water facility services, including recycling at the science park. Clearly, the arrangement of no cost to government is broken and we have to get to the bottom of how this agreement was reached and how the \$200 million was allocated. Earlier this year Minister Pavey went there to turn the sod, showing that the Government wants to fund billionaire land developers in western Sydney with \$200 million, having said that it would be at no cost to government.

In response to a supplementary question yesterday, Minister Ayres provided some rather confusing material about what is supposed to be a final commercial agreement between Sydney Water and Celestino. Some of the funding is reimbursable and some is on a commercial basis and non-reimbursable. We need to look at the arrangements that were struck in that agreement between the Government and Celestino. What is the charge for water? Is there a subsidy in the charging rate? Have capital subsidies been put in place? It would be a complete betrayal of the public interest in western Sydney, after saying it should be at no cost to government, to provide hundreds of millions of dollars to billionaire land developers. The whole proposition on one level is absurd. What sort of local government decision-makers at Penrith council and in Macquarie Street ever thought that Celestino, who made their money out of chicken meat—this is Lilydale and Steggles—would somehow deliver a science and technology park in western Sydney?

I admire people who get off their backside and make a lot of money from growing chickens. I saw the Inghams in south-west Sydney. In many respects they are great Australian success stories, but you have to have the common sense of saying that it does not give you an expertise base by which you can deliver a science and technology park in western Sydney. We have seen this too many times in our part of the metropolitan area. The sham is that another document produced under Standing Order 52 showed that what was promised was a science and technology park and they are trying to walk it back to just another housing estate. They have the allocation of a metro line, which should never have happened, and I will come to that in other forums. They should never have got the allocation of a Luddenham metro and they should not have got this \$200 million for water facilities.

They are now trying to walk back with the department of planning the idea that it would ever be a science and technology park with jobs. They are now saying that the very small residential component should be expanded and they want detached housing around the metro at Luddenham. They have won the lotto by getting that metro at Luddenham, and that is a story in itself. The idea that they are now trying to walk back the promise of jobs for western Sydney to build just another housing estate is a disgrace. The decision-makers who fell for this must be held to account. People talk about the Periches and Mediches in western Sydney, and more recently about Waterhouse with Maguire, but the one that people should be concentrating on is Celestino. That is the development in western Sydney that should be examined in detail. That is what I am proposing to do through this Standing Order 52 motion. It deserves the utmost scrutiny and disclosure. We want to look at those Sydney Water documents to see where the money is going to these billion-dollar former chicken growers who have now promised a science park and are delivering diddly squat.

**The Hon. SHAYNE MALLARD (15:24):** The Government has nothing to hide and will not oppose the Standing Order 52 motion.

**The Hon. ROSE JACKSON (15:24):** Labor will also not oppose the Standing Order 52 motion. I will use the opportunity to say why. Some serious questions need to be answered and it is good that we will have the documents that allow us to do that. This reminds me of another project in western Sydney, which was the redevelopment of Penrith Panthers. That was pursued by the now Deputy Leader of the Liberal Party when he was the Minister for Sport. He rushed through the approval right before the election and the letter approving it was then withdrawn so that the Minister could remove his name from it. It was signed again—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I do not want to discourage debate but this is a Standing Order 52 motion that the Hon. Mark Latham has quite well argued. The member is now talking about—

**The Hon. Daniel Mookhey:** Tendency evidence.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I knew it quite well; my clients were often convicted on that basis. This is a long bow. If the President was in the chair he would talk about introductory remarks. I will give you a little latitude but not a lot.

**The Hon. ROSE JACKSON:** The next point I make is that we have Sydney Water spending hundreds of millions of dollars to support this development whilst at the same time families in other parts of western Sydney—and I am thinking of communities in Spring Farm in Camden—are being charged \$80,000 per household just to be connected to the sewerage network. So some serious questions need to be answered about priority spending and the way that those approvals are done by government. What is happening with the future of this development? It was announced as one thing, where funding was attached in one format, and now it appears that the project going forward is something quite different, which is like the Penrith Panthers development that initially was an Office of Sport program but ended up having nothing to do with sport.

This project, initially announced as a science park, has morphed over time into yet more housing development. It is just another example of how this Government is driving housing and population growth in one part of Sydney, with up to 200,000 people projected over the next 20 years in those areas. Other parts of Sydney have less than one-tenth of that. So serious questions need to be answered about the way that those projects are approved, the way that funding is attached to them and the way that they morph over time. It is just another example of this Government's absolute shambolic and chaotic planning for western Sydney and its disregard of the needs of those communities. It has its priorities wrong. It can give hundreds of millions of dollars to its big-end-of-town mates, yet a pensioner who wants a flushing toilet connected to the sewerage network has to pay \$80,000.

**The Hon. DANIEL MOOKHEY (15:28):** I had the opportunity to listen to the Hon. Mark Latham's questioning of the Minister at the last face-to-face budget estimates that took place in February, alongside my colleague the Hon. Rose Jackson. At the time the member was persuasive in asking questions about how it is that a particular interest was given the opportunity to build a Sydney Science Park and, equally, what concessions were given. The honourable member is right to make the point that years later we have not seen the Sydney Science Park and yet this particular person with this particular interest is still pushing a housing development.

Anyone who understands housing understands that you must build the house but you must also connect it to the electricity and water. How Sydney Water does that is important. What rules there are is important. It is really important to know what probity checks are in place at Sydney Water to ensure that it is not being gamed by anyone. It is our biggest State-owned corporation. As a massive State-owned corporation connecting with millions of households in the Sydney Basin, it deserves scrutiny on an issue like this.

The Public Works Committee, which I have the opportunity to chair, has seen various aspects of this in some of the work or tangential to the work we are doing. It is of real interest and real concern. There is enough for us to say that there should be an order made under Standing Order 52. I suspect that the next matter will explore the next aspect of this episode, which is the rail connection. I see that is coming up as well. It also has a lot of connection to the Orchard Hills matters, which our members here are engaged with too. For that reason I congratulate the member on pursuing this as doggedly as he has. It is a very interesting issue. We have more to see here.

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

**Motion agreed to.**

## **SYDNEY SCIENCE PARK RAIL INFRASTRUCTURE**

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

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

That private members' business item No. 1344 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (15:31):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier; Minister for Planning and Public Spaces; Minister for Jobs, Investment, Tourism and Western Sydney; Minister for Transport and Roads; Department of Planning, Industry and Environment; Transport for NSW; Sydney Trains; and Sydney Metro relating to the Luddenham rail line and station for the Sydney Science Park proposal:

- (a) all documents created since 1 March 2011 that were made available to the APRL town planning consultant Anthony Rowan, Sydney Metro's lawyers Ashurst, and Andrew Miller from Sydney Metro relating to, or which supported, any conclusion that, in the period 2011-13 it was likely the Government promised Celestino a rail line and a Luddenham rail station;
- (b) all documents created between 1 March 2011 and 1 January 2016 relating to, or involving contact with, Celestino and the Government building a rail line and rail station at Luddenham; and;
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion under Standing Order 52 is a little bit unusual, but is a necessary process for full disclosure of what has gone on. We know from earlier calls for papers that Sydney Metro has engaged in a process of trying to acquire land for the Luddenham metro station in the middle of Sydney Science Park, which was developed by Celestino. I will not go into all the details. Sydney Metro commissioned a planning consultant, Anthony Rowan, who ended up being like an investigative reporter looking at how the metro station was ever sited at Luddenham. His amazing conclusion was that it was likely that this Government promised Celestino a rail line and a Luddenham rail station sometime from 2011 to 2013. This was when it was farmland in western Sydney, not yet rezoned, and before the construction of the second Sydney airport was announced in 2014 by the Abbott Government.

So it is absolutely extraordinary that a planning consultant has concluded that it was likely that the Government had promised a company a rail line, which is the equivalent of winning lotto, and then it twice winning lotto, with a rail station to be allocated on the company's land. It was farmland, not rezoned, with no sign of the construction of the second airport. This is one of the most amazing, extraordinary town planning decisions that any government in this State has ever made. The motion under Standing Order 52 calls for disclosure of the documents Mr Rowan viewed in making that decision. He was a little bit frustrated. He saw some documents, but he wanted to see more.

The acting solicitor wrote to Sydney Metro. One of its officials wrote back, saying, "After discussion with the corridors team, it is apparent there was a continued dialogue between the landowner, Celestino, and Transport for NSW from 2013 to the current date regarding the Sydney Science Park. It is considered there was a high expectation from the landowner that a station would be delivered to the Sydney Science Park." The corridors team was acting on the basis that the landowner was expecting—was in the know—that it was going to get the rail station and the rail line. We need to get to the bottom of how this happened. How would anyone without a zoning going through, on farmland in western Sydney, with no announcement about a second airport being constructed, expect to win lotto once with a rail line and then win it a second time with the allocation of a rail station on its land? The documents need to be produced to give us a fuller understanding of what has gone on.

I ring alarm bells about the nature of this development. I have seen some shonky land development in western Sydney in my time. For 40 years I have looked at various iterations of some dreadful things done to our region. I have never seen anything on a scale like this. The call for papers will get us closer to the truth. I hope that there will be other processes by which we can delve into the shameful way in which the Sydney Science Park was ever approved, ever allocated a rail line and ever allocated a rail station.

This Government talks about infrastructure spending and getting value for the dollar. It therefore needs to scrap the St Marys metro line, because the benefit-cost ratio for it in the business case is 0.75. I hear the Parliamentary Secretary groan. Why is he spending \$11 billion on a metro line that has a benefit-cost ratio of 0.75? It costs more to build than any economic benefit accruing. If you delve into what benefits are available on a limited scale, you see that 18 per cent of the benefits go to public transport. For the benefit of Celestino, the Government is spending \$11 billion on a metro where only 18 per cent of the limited benefits go to public transport. Sixty-eight per cent of the benefits go to so-called urban land development, primarily for Celestino. This is again not stacking up in terms of any rational economic analysis of what is needed.

You also have to ask why, in developing the scoping study and the business case for the St Marys metro, the Government never looked at where the passengers for the Badgerys Creek airport would want to go to or where the outgoing passengers have come from. There was never any analysis of the transport needs of the people

they are supposed to be transporting. This is a scam of the first order. We need to understand how this originated in 2012. That is what the Standing Order 52 motion tries to achieve.

**The Hon. SHAYNE MALLARD (15:36):** The transport cluster respects the power of the House to use an order for papers in exercising its function, including as a house of review. The Government is delivering \$72 billion worth of transport projects for the people of New South Wales. This includes a new Sydney Metro Western Sydney Airport project. As the Parliamentary Secretary for Infrastructure and the Aerotropolis, I am very proud of these projects in western Sydney for changing the nature of jobs and the economy of western Sydney, which will become the transport spine of the Western Parkland City for generations to come by connecting communities and travellers with the rest of greater Sydney's public transport system. The fast, safe and easy metro service, including via St Marys, which is one of the more impoverished areas of Sydney, will create a major CBD in western Sydney and it will become a transport hub.

The Sydney Metro Western Sydney Airport project will not only connect western Sydney to more job opportunities but also include new health and education services and recreational activities. This city-shaping project will provide a major economic stimulus for the western Sydney, New South Wales and national economies, supporting more than 14,000 jobs during construction. The Australian and New South Wales governments are working jointly to deliver the 23-kilometre metro railway line and the six stations between St Marys and the western Sydney aerotropolis, including two stations at the airport. That is only stage one of the project. The exact station locations have only recently been confirmed.

The New South Wales and Australian governments have a shared objective of having Sydney Metro Western Sydney Airport operational when the new airport is scheduled to open for the start of passenger services in a few years' time. Once operational, Sydney Metro Western Sydney Airport is expected to transport up to 7,700 passengers each hour in each direction, while also taking about 110,000 vehicles off local roads every day, significantly reducing local traffic and improving the environment and livability of the area. Sydney Metro has been working with stakeholders and industry to create a project that will deliver a fast, safe and reliable metro and support the success of the future Western Parkland City, which we now call Bradfield. Transport for NSW supports the development of the Western Parkland City, which aims to become one of Australia's most connected cities, with innovative public transport, aviation and digital infrastructure. Supporting the airport and aerotropolis is a key part of the Western Sydney City Deal. Signed in March 2018, this deal is a 20-year agreement by the Australian Government, New South Wales Government and the eight councils of the Western Parkland City, who are enthusiastically involved.

In June 2020 the New South Wales Government committed to building a metro station in Luddenham, following a process of planning and analysis for the Sydney Metro Western Sydney Airport project. In September 2020 the final alignment for the Sydney Metro Western Sydney Airport project was confirmed, with the exact station locations made public at this time. Transport for NSW has worked and will continue to work closely with the Western Parklands City Authority and the Department of Planning, Industry and Environment as well as local councils, including Penrith City Council, to achieve this ambition by facilitating appropriate land use outcomes. The transport cluster works closely with the Department of Premier and Cabinet and other agencies to ensure that all requirements of orders for papers are met.

**The Hon. DANIEL MOOKHEY (15:39):** I listened closely to the Parliamentary Secretary. Three minutes later I still do not know whether the Government is supporting or opposing the Standing Order [SO] 52 motion. Nevertheless, let us presume that perhaps it is not supporting the SO 52 motion. The Opposition is supporting the motion. The location of the Luddenham station, as described by the mover of this motion, has resulted in one particular interest winning the lottery—arguably winning it twice, as he puts it. It is stunning. Equally, if we look at what else is going on in that line when it comes to the construction of Orchard Hills, we got a lot of information about Luddenham as well in the call for papers on Orchard Hills. It is clear that the location of those stations has always been determined by housing development potential. That has been the key criteria.

The funding model and the finance model that Transport for NSW has procured requires high levels of funding and housing to pay for the construction of those rail lines, which I have to say is usually how cities build railways. It is not particularly novel. What is interesting is how a particular person had enough foresight, years and years ago, to predict the exact location of the station. Had the Parliamentary Secretary engaged with the substance of the motion, members might have heard an explanation as to how this particular landowner knew precisely where that station was going to go, and equally whether or not the entire Sydney Science Park proposal was in fact a ruse to entice a railway station onto a certain part of land, with a view that the park would be delayed and the housing would come first. It is a classic bait and switch. I am very interested in understanding whether or not the transport department was resilient enough to spot such tactics and deter them, and whether or not it has impact.

The Government should not trifle with this. A lot of families have lost their homes to those stations through forced acquisitions. They would be very interested to know whether other landowners had access to other information or whether they got better deals. This SO 52 call for papers will help us get to the bottom of those particular interests. As we scrutinise those projects, how they develop and where those rail lines will go, it will do one of two things: confirm that this process has its flaws, or identify ways in which this process can work better. Either way, the scrutiny being applied is welcome because we do not build railway stations that often. Where they are put results in massive windfall gains for whoever happens to own the property there. Information and access to information is key in that. I am very interested in making sure that the procedures of Transport for NSW are robust enough to protect that valuable piece of public information. But, on the basis of observing Transport for NSW for a number of years, I have reason to doubt.

**The Hon. MARK LATHAM (15:42):** In reply: The Parliamentary Secretary started his remarks by saying I had "Bradfield thinking" that was out of date, and then finished his remarks by saying they are going to name the new city Bradfield. Talk about running around, chasing your tail.

**The Hon. Shayne Mallard:** We can name it Latham.

**The Hon. MARK LATHAM:** He is now suggesting Latham. That is very modern and commendable. I am sure it would join that magnificent suburb in Canberra and adorn western Sydney, but I am too humble to accept the invitation.

**The Hon. Don Harwin:** It was Sir John Latham. It wasn't you, mate.

**The Hon. MARK LATHAM:** I am happy to stick with Bradfield.

**The Hon. Don Harwin:** We dodged a bullet when we missed out getting—

**The Hon. MARK LATHAM:** You want to talk about bullets? I gave one to your mate Gladys. She's gone, so I wouldn't get too smart about things. She got a political bullet.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** Order! The member will continue with his speech in reply and the Minister will cease interjecting.

**The Hon. MARK LATHAM:** I also address the claims of the Parliamentary Secretary and his proposition that this is a worthwhile project. Infrastructure Australia's report from February this year stated that the proponent's—the New South Wales Government—business case for the St Marys metro:

... does not provide sufficient evidence that the proposed project is the best solution.

Infrastructure Australia, an independent authority under the Federal Morrison Government, said that the project has been excluded from the Infrastructure Priority List. Even though there is Federal money in this project, it is not going to be supported by Infrastructure Australia. It is off the priority list because it is concerned, as anyone should be, that it has a benefit-cost ratio of just 0.75. That is a cost more than any economic benefit. Eighteen per cent of the benefits flow to public transport usage only and 64 per cent to urban development benefits, primarily for Celestino, the main land developer in that part of Sydney.

This project was poorly conceived and appears to be a product of some weird favouritism—crony capitalism—back in the early years of this Government. It is persevering, against the recommendations of Infrastructure Australia, on the most ridiculous planning documents you could ever imagine. The scoping study and business case for the St Marys metro made no assessment of where the passengers landing at Badgerys Creek airport would want to be transported to, or where the passengers wanting to fly out of Badgerys Creek would be transported from. How can you undertake an \$11 billion project with no analysis of the sort of transport you need? Whether it is a booming metropolis or not, the one advantage of the Badgerys Creek airport is that it would operate 24 hours and you would have people changing trains at St Marys at two o'clock in the morning. We need the direct line, which should be the Leppington line, and that should show up in the documents sought under SO 52.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that the motion be agreed to.

**Motion agreed to.**

## WESTINVEST FUND

### Production of Documents: Order

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

That private members' business item No. 1334 outside the order of precedence be considered in a short form format.

**Motion agreed to.**



**The Hon. DANIEL MOOKHEY (15:46):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 July 2020 in the possession, custody or control of the Premier; the Treasurer; the Minister for Jobs, Investment, Tourism and Western Sydney; the Department of Premier and Cabinet' Investment NSW; or the Treasury relating to the WestInvest fund:

- (a) all documents regarding the establishment and governance of the WestInvest fund;
- (b) all documents regarding the finances of the WestInvest fund, including any further contributions intended in the next three years to the fund;
- (c) all documents concerning the assessment and approval process for determining funding allocations from the WestInvest Fund;
- (d) all documents which identify any project funded, or intended to be funded, from the WestInvest fund;
- (e) all briefs, including attachments to briefs, sent to, signed by, drafted for or approved by the Premier; Treasurer; the Minister for Jobs, Investment, Tourism and Western Sydney; the Treasury Secretary; or any Deputy Secretary regarding the WestInvest fund;
- (f) all iterations of the press release entitled, *New \$5 billion Westinvest Fund to rejuvenate Western Sydney communities and boost jobs*, released by the former Premier; Treasurer; and Minister for Jobs, Investment, Tourism and Western Sydney; 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 relates to a call for papers in respect of the formation of the WestInvest fund. Let me elucidate for members precisely what I am talking about. The WestInvest Fund was announced just a few weeks ago, when the Government broke its promise against further privatisations and sold the remaining parts of WestConnex—the 49 per cent interest we had—for \$11 billion. At the time, the then-Treasurer, then-Premier and then-western Sydney Minister announced the formation of the WestInvest Fund. They said that it was the first part of the COVID economic recovery and equally said that there was more to come. Of course members of the Opposition would welcome anything that resembles an economic recovery right now for the west and the south-west, especially as it really has been a tale of two cities in Sydney for the past 16 weeks.

Opposition members went to budget estimates on 20 August to ask some reasonable questions about this fund that you would expect for a fund that is meant to be spending \$5 billion. The first question we asked was, "Where exactly is the money coming from?", which the Treasury officials were not able to identify. Secondly we asked, "How many jobs will this fund create?" Given that it has been styled as an economic recovery measure, that is a most basic question. No information was forthcoming from Treasury. We asked, "Did you even model how many jobs this would cost?" They confirmed that Treasury has not modelled the WestInvest Fund. In addition, we asked what type of projects would be used and we were told that the best available information they had was six dot points in the press release that announced it.

We asked who created this idea and Treasury was in no position to tell us precisely who was responsible. We do know who was not responsible. The Chief Economist of New South Wales said this proposal was developed without his involvement whatsoever. The deputy secretary of NSW Treasury, Ms Wilkie, who is apparently responsible for our State's economic strategy and productivity, said she did not have anything to do with it either. Two of the leading Treasury officials, who you would expect to have something to do with a \$5 billion fund, did not know anything about it. No information was forthcoming. We then asked—and this is what really surprised me—which Minister was responsible for it. The Treasury were in absolutely no position to confirm which Minister was responsible for it. We still do not know which Minister is in charge of this fund.

We then went on to other questions—which I am sure many of the two million people who were locked down have a real interest in—about why were certain local government areas included and other LGAs excluded? Specifically, the people who reside in the Bayside LGA and the people who reside in the Georges River LGA have been left out. That is 300,000 residents who are absolutely barred from having anything to do with this fund. Their councils cannot put in an application, their residents cannot say, "My school, my path, my road needs an upgrade. Can we use any of this money?"—none whatsoever; they are out. But what is remarkable in this entire saga is that whilst those two LGAs are out and have absolutely no recourse whatsoever to the fund, we have four LGAs that were not locked down that can access the fund: Camden, the Hills district—

[A member interjected.]

The Hills district can. The Hills district is eligible for WestInvest, and also Blue Mountains, Hawkesbury and Wollondilly. I do not begrudge the ambitions of those people to have access to this fund because with \$5 billion as a honeypot who would not want to have access to it? But this strikes us as being politically motivated because the thing about Camden, The Hills, Blue Mountains, Hawkesbury and Wollondilly is that they happen to coincide with marginal seats the Liberal Party is worried about losing. I might be a cynic in suggesting that that

might be for the Penrith parties and that it might be some motivation in the design of this fund. I could be wrong, but, either way, I know that if we pass this Standing Order 52 we are in a much, much better position.

**The Hon. Don Harwin:** It is the standard definition of "Greater Western Sydney".

**The Hon. DANIEL MOOKHEY:** I accept that interjection. We were told that this is a standard definition of western Sydney, but this was a fund that the Treasurer and the Premier at the time said was to help western Sydney recover from the downturns, and two LGAs were left out—300,000 residents totally out.

**The Hon. Don Harwin:** They are not in western Sydney.

**The Hon. DANIEL MOOKHEY:** The Minister wishes to debate this point. He basically wants to say that if you happen to be in those LGAs that suffered you have no recourse to these funds. The Minister is entitled to embrace that position, but we have been two cities in the past 16 weeks and if we are going to recover from this we have got to be one again. We deserve to get answers on this information. We deserve to understand this \$5 billion fund. I commend the motion to the House.

**The Hon. SCOTT FARLOW (15:51):** I state from the outset that the Hon. Daniel Mookhey has misrepresented to this House the circumstances in which these questions took place. They took place not in front of a budget estimates hearing, as he purported to the House, but in front of a Public Accountability Committee hearing and they took place with two public servants who had come to answer questions in relation to the COVID response. That is what the terms of reference for the Public Accountability Committee were. They were not about WestInvest. This was not a couple of bureaucrats who had absolutely no idea what was going on. These were bureaucrats who came prepared to answer questions with respect to the COVID management in New South Wales because that is why they were called by the committee, not to answer questions about WestInvest. So that is a complete misrepresentation.

When it comes to WestInvest—and the Hon. Shayne Mallard will talk further about the nature of it—it is clearly a fund that is the first part of the COVID recovery. It is a pretty big salvo in the first part of the COVID recovery—it is a \$5 billion salvo. This is not some trifling little fund or some little fig leaf put out by the Government. This is something that Premier Perrottet, then as Treasurer, announced as a big win in relation to our COVID recovery in New South Wales—and it is. It is \$5 billion for parks and community infrastructure, for sporting fields and arts and cultural organisations all across western Sydney. As the Leader of the Government said in his interjection, those 15 councils are part of the definition of "Greater Western Sydney" in New South Wales.

When we look at the impact of COVID on New South Wales, we look at the impact on Treasury, and I have been working hand-in-glove with Treasury through this. Treasury officials have been working day in, day out with businesses throughout New South Wales to be able to help them steer and navigate the necessary restrictions that were in place to see us to this point in our reopening. They are officials who have been working through the administration of the JobSaver program and small business support. They are officials who have been working day and night supporting businesses throughout New South Wales and they are officials who cannot go through the threefold increase we have seen in the number of standing orders that have gone before Treasury—a total of 46. I will stand up for these bureaucrats, who literally have begged me, "Is there anything you can do to stop the Standing Order 52s because we have got work to do and we can't?"

I have been advised that a total of 46 Standing Order 52s have been received by Treasury in 2021; 14 of those orders require external discovery services at a cost of \$171,00 and a total of 694 full-time equivalent hours expended across the 46 standing orders. The average time taken for each Standing Order 52 is around 15 hours, with around three boxes per order. There is not some little button you press for the Standing Order 52s in Treasury and it prints out everything; this takes man hours and it takes resources, and it is resources that we cannot waste at this time.

**The Hon. MARK LATHAM (15:55):** One Nation supports the Standing Order 52. I do not doubt for a moment the sincerity of the Hon. Scott Farlow in what he said to the House, but he has got to face up to the legacy of a government that is intoxicated by pork-barrelling and the misallocation of public resources. The great, great weakness, economic and political, of this Government is that you will never undo the history of all these rorted special interest grants that have flown right across New South Wales. People can shake their head and scoff, but the outgoing Deputy Premier brazenly and happily described himself as "Pork-Barrel-aro". The former Premier said, "This is just political business. We allocate the money on pork-barrelling principles for special interests. This is just what you do in politics." That includes \$90 million for Matt Kean's park in Hornsby—for a local government area that had not been amalgamated—with no documents, no tender specification, no expressions of interest, nothing, except a shredding machine.

The Government needs to wise up—hopefully Premier Perrottet is a clean break from those shameful practices—and have an audit of all these grants schemes and all these misallocations. But WestInvest is a very bad start because the race around putting a curfew on local government areas in western Sydney, calling them "LGAs of concern", sacking people there because they wanted to make their own health choices and would not comply with the vaccine mandates, and then at the end of it saying, "Hang on, we severely punished those parts of western Sydney, but The Hills is in for the new investment, Hawkesbury is in for the new investment, Camden is in for the new investment, Wollondilly is in for the new investment." Wollondilly, Camden, up in The Hills and Hawkesbury are Liberal seats. The Liberal Party does not get punished by the curfews but the Liberal seats get rewarded in the allocation of the grants. They are like the Boubourns—they have learned nothing and forgotten nothing in how to sort grants and how to pork-barrel. It is a very, very, very bad start indeed.

What is more, I will make an inquiry across the table about Penrith. Penrith had the unique circumstance in the lockdowns of Stuart Ayres' part of the Penrith LGA being curfew-free, not of concern; it was only the eastern part of Penrith LGA. But I am sure that all of Penrith now gets the WestInvest money. So Stuart Ayres quarantines his seat, even though it had high COVID numbers, from the severe lockdowns, but then collects the money on the roundabout. The Government cannot go on this way. A lot of people have wised up to it. I know there are sincere people on the Government benches who would be worried about this, but the golden rule in politics is that you can only get away with rorts for so long—have a look at the Victorian Labor Party. Time is up. It is five minutes to midnight for this Government, and the misallocation of resources I am warning is big time. I see the evidence of public money being squandered with favouritism and pork-barrelling and we are not putting up with it any longer.

**The Hon. SHAYNE MALLARD (15:58):** The Hon. Mark Latham has just belled the cat. I do not want to go to the motivation for this Standing Order 52, but the reality is that this Standing Order 52 is motivated to undermine, to white-ant, to discredit this fund, this initiative, to try to damage it before it gets out of the nursery—it was born only recently; it is still a baby as far as policy. Those opposite are trying, with their left-wing media mates and with their crossbench mates, to bring down this proposal and drag down western Sydney along the way. We have seen the politics of envy and division in this Chamber today—we also saw it yesterday—and I have been really saddened by it.

The fact is that we are one city. I was born in Penrith; I am a western Sydney guy. I live in the Blue Mountains, and I am a great believer in the future of western Sydney. I do not like the division of one part of Sydney against another. We are all in the COVID battle together; we all struggle together. My partner's small business nearly went bankrupt. That is in the Eastern Suburbs so you do not get comments about that, but we all struggle together. It makes me really angry—because it is personal—that people seem to think that this policy is dividing Sydney.

Let me talk about the WestInvest Fund, which I think is one of the great initiatives for western Sydney. It links in well with the aerotropolis, the airport, the three cities and the Western Parkland City. Funding of \$5 billion focuses on projects that make a real difference in quality of life, helping to create jobs in the process and change the face of western Sydney. Three billion dollars is allocated to future projects across six areas. Those projects are parks, urban spaces and green spaces; enhancing community facilities such as local sporting grounds; modernising local schools; creating and enhancing the arts and cultural facilities—I am sure the arts Minister, who is in the Chamber, thinks that is a great initiative—revitalising high streets; and clearing local traffic. Two billion dollars has been reserved for high-priority projects to be developed in consultation with local communities. Often this funding is directed via local government, because they have really good on-the-ground understanding and know how to do that consultation.

Let us talk about 15 local government areas which have not been listed: Blacktown, a very safe Liberal seat; Blue Mountains, another safe Liberal seat; Burwood, another one; Camden; Campbelltown, another one; Canterbury-Bankstown, which really deserves a lot of support for what it went through in the COVID crisis; Cumberland, another one; Fairfield; Hawkesbury; The Hills; Liverpool, which really struggled through the COVID pandemic; Parramatta; Penrith; Strathfield; and Wollondilly. The funding is spread across all of those, which are traditionally defined as western Sydney. This is an outrageous attempt to white-ant this fund, and I condemn the motion. The Government strongly opposes it.

**The Hon. DANIEL MOOKHEY (16:01):** In reply: I appreciate the contributions to this debate from the Hon. Scott Farlow, the Hon. Mark Latham and the Hon. Shayne Mallard. I think I rank the vehemence of the Government on this particular motion at number three so far for today; it was not too bad. Let me deal with the arguments that have been made one by one. With respect to the Hon. Scott Farlow's arguments, he got me. He absolutely nailed me. I was wrong: It was the Public Accountability Committee in which the Chief Economist and the Deputy Secretary said they had nothing to do with this; it was not budget estimates. I apologise for getting that wrong. I would not want the Chief Economist to feel like I verbalised him when I said he had nothing to do

with this. He is right; he said at a Public Accountability Committee hearing three days after it was announced that the Chief Economist had nothing to do with it. I agree with him on that point.

As for the second point, about taxing the poor souls at Treasury who will have to respond to our order for papers under Standing Order 52, I think public accountability is priceless. A government with this record when it comes to grants programs deserves more scrutiny, not less—especially when it is a \$5 billion fund, when we do not know who the Minister is, when we do not know what the criteria are, when we do not even know when the application process is meant to begin and when we do not know when the first or last dollar will go out the door. That is when we should be scrutinising a \$5 billion fund. Just to put that into some context, that is more than we have paid for JobSaver. It is not a small amount of money. That is one point on which I absolutely agree with the Parliamentary Secretary—which brings me to the other Parliamentary Secretary who contributed to the debate.

I appreciate the sincerity and the deeply felt convictions that the Hon. Shayne Mallard brought to the debate. When he said that this is a baby policy, firstly, that is not true. We heard at the Public Accountability Committee that apparently someone unknown investigated this six months ago. Insofar as we know anything about it, it is the six dot points. It took one month to develop each dot point as to what precisely this fund could do, so it is not the case that this fund was just invented overnight. If it was the case that this fund had been invented overnight then that would actually raise more questions, not fewer, and we should be scrutinising it even more. Secondly, if the people of western Sydney are told that this is the way in which we will bring back their jobs and their businesses then I do not think it is that unreasonable to ask where the money is coming from.

That brings us to the final concern that we have with this fund: We have absolutely no idea where this money is coming from. It is not clear whether this is new money or old money—whether this is rebadged money to pay for the same projects, just with a different logo on it, or if it is genuinely new funds. When the mid-year economic update comes out, if there is not an additional \$5 billion parameter variation that says this is new money then we will be the first to say this fund is made-up money for mirage projects. As best we can tell so far, that is the case. I commend the motion to the House.

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

**The House divided.**

Ayes .....23  
Noes .....14  
Majority.....9

#### AYES

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

Graham  
Hurst  
Jackson  
Latham  
Mookhey  
Moriarty  
Moselmann  
Nile

Pearson  
Primrose  
Roberts  
Searle  
Sharpe  
Shoebridge  
Veitch

#### NOES

Cusack  
Fang  
Farlow  
Farraway (teller)  
Franklin

Harwin  
Khan  
Maclaren-Jones  
Mallard (teller)  
Martin

Mitchell  
Poulos  
Taylor  
Tudehope

#### PAIRS

Houssos  
Secord

Amato  
Ward

**Motion agreed to.**

*Bills***CRIMES AMENDMENT (DISPLAY OF NAZI SYMBOLS) BILL 2021****First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Walt Secord.**

**Second Reading Speech**

**The Hon. WALT SECORD (16:13):** I move:

That this bill be now read a second time.

As the shadow Minister for Police, the shadow Minister for Counter Terrorism, the Deputy Chair of the NSW Parliamentary Friends of Israel and the New South Wales patron of the NSW Labor Israel Action Committee, I am proud to introduce the Crimes Amendment (Display of Nazi Symbols) Bill 2021. I am pleased to advise the Chamber that the NSW Labor shadow Cabinet and full caucus has given the bill unanimous endorsement. This historic bill follows several years of consultation, discussion and advice. If passed, the bill will show New South Wales once again taking leadership on the protection of community rights. Of course, I acknowledge that on 2 September the Victorian Government announced its own intention to ban the public display of Nazi symbols. Victoria has indicated that it will introduce a bill, but that will not occur until the first half of 2022, so the New South Wales bill has the promise of being an Australian jurisdictional first. Furthermore, my bill is much more advanced than the current Victorian one, which is up for consultation.

We are the first Parliament to formally consider and debate banning the display of Nazi symbols in a public manner. Of course, it would not be a "world first". Many European countries have had similar laws for decades, including Germany, Austria and France where it is unlawful to publicly fly Nazi flags. Even in individual Canadian city jurisdictions the Nazi flag has been banned. In fact, in early August in Hamilton, Ontario, Canada, the city where I was born, city councillors approved a ban on the Nazi symbol. The Canadian municipal leaders also went as far as to ban the Confederate flag, which has also been used by racially motivated protesters, particularly during COVID rallies.

All that said, it is still surprising and deeply distressing that we now have a real need to review the legality of flying a Nazi flag in New South Wales and in Australia. It must be recognised that this is in response to the rise of Neo-Nazi activity in Australia and its role in inciting hate behaviour and hate crimes. I expect that the reason Australian jurisdictions have never introduced laws to ban or control the display of Nazi flags in the years since World War II is simply that the question has rarely arisen. I expect that if I had stood in this Chamber 50, 60 or 70 years ago and asked what the New South Wales Parliament was doing to prevent the flying of Nazi flags, the likely answer would have been, "Who in Australia would ever display one or carry one in a public rally?"

In the years after the sacrifice made by Australians to defeat Nazi fascism, people would have been incredulous that any Australian community member would want to align themselves with that genocidal regime. I ask that we keep that generation of Australians in mind as we discuss the bill. To pre-empt those who try to claim that a ban on Nazi symbols is somehow a restriction on civil liberties, I respectfully submit that we have gone way past that flimsy argument when we are discussing the symbol of a regime that murdered millions and against which thousands of Australians gave their lives to stop its insidious spread.

The Nazi symbol or hooked cross—the Hakenkreuz—which was the official emblem of the Nazi Party and the Third Reich from 1933 to 1945, is not only deeply offensive to veterans who fought against fascism, it is also an affront to the survivors of the Holocaust and to all their descendants. It is an affront to the memory of the six million murdered in the Shoah, including 1.5 million children. Put simply, the Nazi hooked cross is an emblem of genocide and racism. The decision to fly or carry a Nazi flag in a public act or at a rally in New South Wales is a simple expression of hate. If members find it disturbing that we have to visit the question of banning that symbol of hate, I agree, it is disturbing. But most disturbing is that the data and evidence emerging in Australia is showing an upward trend in Neo-Nazi and far-right extreme activity. The Crimes Amendment (Display of Nazi Symbols) Bill 2021 is a bill for an Act to amend the Crimes Act 1900 to prohibit the public display of Nazi symbols in New South Wales. The explanatory note to the bill states:

The object of this Bill is to prohibit the public display of a symbol of, or associated with, the National Socialist German Workers' Party, the Third Reich or Neo-Nazism (a *Nazi symbol*), except in certain circumstances. Those certain circumstances are important. Briefly, it would not apply to the swastika under the Hindu, Buddhist or Jain faiths. I will refer to these in more detail later. I stress that that is recorded in the bill so that, when it comes to future interpretation or challenge, the intention is clear and unequivocal. That inclusion is also a commitment to the Hindu, Buddhist and Jain communities as part of my consultations on the bill. After all, those are communities whose ancient and peaceful uses of the symbol were butchered by the theft of that motif by

the Nazi movement. So I say why should the Hindu, Buddhist or Jain communities suffer any further indignity? Indeed, I am certain that the public discussion that would accompany New South Wales taking the actions outlined in this bill would actively help to educate Australian communities on the still-legitimate uses of these graphic symbols. This would help avoid any offence from misinterpretation of traditional Hindu, Buddhist or Jain displays, which I hope would only be to the benefit of those communities.

From the outset, this is a bill that I hope that the Government and the crossbenchers will throw their support behind. I have been working on this bill for some time. I thank my colleague, the member for Rockdale, Steve Kamper, for his support, encouragement and assistance. Mr Kamper is also the shadow Minister for Multiculturalism and is a person fiercely proud of his Greek heritage. I did not know until last week that his father died in Israel after he had suffered a fatal heart attack in the monastery of St George, near Jerusalem, on a Christian pilgrimage. Every conversation with Steve Kamper reveals something new and interesting. I am pleased that I have become friends with him during the past two leadership events in the New South Wales Labor Party.

I also acknowledge my colleague, the Hon. Daniel Mookhey, for his assistance and his consultations with Australia's Indian community on this bill. The Hon. Daniel Mookhey and my staffer, Mr Sachin Saxena, who has a background in law, are both members of the Indian community and were instrumental in bringing myself and Steve Kamper together with the Hindu Council of Australia. The Hon. Daniel Mookhey is a trailblazer. He is the son of Indian migrants, and he was the first MP to be sworn into an Australian Parliament on the Hindu religious text *The Bhagavad Gita*. I also congratulate the Hindu Council of Australia, the national peak body organisation, on their thoughtful observations and contribution to this bill. For the record, I have included all of their observations and suggestions, and for that I am very grateful. Their advice has made this bill stronger.

Those who attended the meeting earlier this month and put forward the Indian community's concerns were the Hindu Council of Australia national president Prakash Mehta, HCA New South Wales president Bhagwat Chauhan, HCA national vice-president Surinder Jain, HCA national secretary Sai Pravastu, HCA national advisory board member Sanjeev Bhakri, and HCA New South Wales secretary Ashwani Jain. At that meeting, the Hon. Daniel Mookhey and Mr Kamper both put forward the strong view that those who are flying the Nazi hakenkreuz pose the same threat to all communities in a multicultural civil society. The Hindu Council of Australia wholeheartedly supported the aim of the bill and wanted protection for the Jewish community, but they wanted to ensure that their sacred religious symbols were not mistakenly targeted. I am confident that the careful drafting of this bill achieves this. I acknowledge that the Hindu Council of Australia has been clear. It has said:

The prohibition and use of the word "swastika" prejudice our benevolent practices. The swastika pre-dates by millennia the hateful use of Hakenkreuz by the Nazis.

I put on record my support for the Hindu Council of Australia's call for the New South Wales Government, through Multicultural NSW, to educate the wider community on the sacred symbols in Hinduism. Its members pointed to a May 2021 caricature mocking Ganesh, which is one of the best-known and most worshipped deities in Hinduism. They rightly contend that similar drawings would not have occurred involving Christianity, Judaism or Islam, and I believe they had a fair case here. Thankfully, those connected with the incident quickly understood the offence and made amends. I also thank Mr Harish Velji, who is a Labor activist and an official with the Transport Workers Union. He was the first person to bring to my attention concerns by the Hindu, Buddhist and Jain faiths. I thank him for his advocacy and his straightforward and constructive approach to this legislation.

Let us turn then from those who have a legitimate and peaceful connection with this symbol to those whose connection is violent and perverted. In February 2020 ASIO director-general Mike Burgess said that not only does the violent right wing currently account for a third of ASIO's counterterrorism work—an increase from 10 and 15 per cent prior to 2016—but the organisation had observed that small cells of these extremists were meeting across the country, saluting Nazi flags, inspecting weapons and undertaking training. Overseas, in July 2021, the head of Britain's domestic intelligence service, MI5, said while the agency was doubling the resources it devotes to tackling threats from Russia, China and Iran, it faced a growing challenge from right-wing extremists, many of them teenagers. Sadly, we have seen similar trends in Australia.

On that note, Labor is concerned about the effectiveness of deradicalisation programs for extremists. I have asked a series of questions on notice about those targeting far right and religious extremism. MI5 director-general Ken McCallum said that one in five of Britain's counterterrorism investigations, including in Northern Ireland, concerned right-wing extremists. Of the 29 terrorist plots disrupted in the late stages in the past four years, 10 were from extreme right-wing terrorists. As recently as last week, the Australian Federal Police's Joint Counter Terrorism Team [JCTT] said its caseload involving nationalist and racist violent extremism has escalated rapidly. In the past 18 months, the Joint Counter Terrorism Team's caseload covering the area has increased by 750 per cent.

In an interview with SBS News last week, Australian Federal Police Assistant Commissioner Scott Lee from the Counter Terrorism and Special Investigations Command said he only expected the threat to continue to climb. Assistant Commissioner Lee said:

There was certainly an increase in the JCTT's nationalist and racist violent extremism caseload from 2019 and into early 2020 ... we expect it to increase further than what we are seeing at the moment, but how much further it will increase is difficult to ascertain at the moment. Islamist or religiously motivated violent extremism remains the predominant threat at about 85 per cent of our workload.

That means that right-wing terrorism now accounts for 15 per cent of the unit's total investigative effort, whereas for several years prior to 2020 far-right extremism accounted for about 2 per cent of the JCTT's workload. This does not take into account investigations by State and Territory police. Earlier this year, in response to my questions, the NSW Police Force gave evidence at a parliamentary budget estimates hearing that right-wing extremists now occupy about 20 per cent of the counterterrorism efforts in New South Wales, adding to operations targeting the radical Islamic threats that remain of greatest concern to investigators. Of the 1,000 extremists across four tiers of threat attracting some level of police monitoring, about 80—on the two highest levels—are being closely tracked as posing a violent threat to people in New South Wales.

On 1 October 2021, in response to a formal question on notice from my office, NSW Police Force confirmed that it estimates there are 15 members of the National Socialist Network—Neo-Nazis—operating and active in New South Wales. They also added that one person had been arrested and charged with the offence of possession of digital blueprints for manufacture of firearms, under the Firearms Act 1996. As part of that operation, a second person in Orange was arrested with a firearms prohibition order. In his bedroom, they found a Nazi flag hanging on the wall. No wonder then that there is widespread community support for a ban on Nazi symbols.

A May 2021 survey of 3,459 respondents by Plus 61J and the Monash University Australian Centre for Jewish Civilisation on Australian attitudes to Jewish people, antisemitism and Israel, found that 62 per cent of Australians believed "the Nazi symbol should be banned in Australia". Only 12 per cent disagreed with the ban. On that note, I appreciate the 18 August message from Plus 61J Media's publisher and founder Uri Windt drawing this data to my attention. It was part of a broader study on Australian attitudes to Jewish people, anti-Semitism and Israel.

This 62 per cent figure is all the more surprising when one considers two things that I think we all would say to be true about Australians. Firstly, we are, as a rule, a pro-freedom of speech and freedom of expression community. Australians are used to seeing beliefs different to their own and politics different to their own and are not phased or fussed easily. Australians acknowledge, quite readily, that views they do not support have a right to be advocated publicly nonetheless. Secondly, we are not a pro-censorship nation. Even when most Australians agree that a view—or an artwork, a book, a film et cetera—is not something they want or would support, they do not rush to censorship. We seem to agree that even ideas or cultural statements we find offensive are better given their space than given the attention gained through censorship. In this context, having the majority of Australians say, yes, they agree this one particular symbol is so offensive, so hateful and so beyond the pale that it should be banned is truly significant. I note that I expect that some members might ask if, as I have outlined, Australians are not pro-censorship, then why support this bill? I will return to this specific question a little later.

This is a bill which, after the Shoah—which saw the murder of six million Jews, including 1.5 million children—I find distressing to see the need for. Unfortunately, due to the conspiracy theories and the rise of Neo-Nazi activity spurred on by social media, especially during COVID, we are seeing once again the display of Nazi symbols on the streets of our capital cities. I once thought that I would never see a Nazi flag being flown in New South Wales in a public manner. But this has now occurred on 31 separate occasions in a two-year period. Documents obtained under freedom of information laws reveal that, between June 2018 and April 2020, there were at least 31 separate incidents reported to New South Wales police where Nazi flags and symbols were displayed in public places, aimed at intimidating and vilifying Jews. Heavily redacted documents obtained by my office also reveal that the New South Wales Attorney General's department believes that "there is some evidence that suggests an increase in anti-Semitic conduct".

The Attorney-General reported a total of 112 incidents of anti-Semitism in New South Wales since the introduction of section 93Z of the Crimes Act 1900 on 13 August 2018. However, there has not been a single charge laid in relation to these events. Section 93Z relates to criminal vilification, where it is an offence to publicly threaten or incite violence towards a person or group on the basis of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status. The freedom of information material found "between June 21, 2018 and December 31, 2018, that the Nazi flag had been displayed on five occasions in New South Wales". In 2019 it was displayed publicly on 23 separate occasions and, in the brief period of 1 January 2020 to 28 April 2020, it was displayed in New South Wales on three separate occasions—in that total period, a total of 31 times.

To me, it is very clear that the New South Wales Liberal Government is doing little to respond to this racist cancer in our community. Thirty-one reported separate incidents of people flying the Nazi flag or displaying the Nazi hakenkreuz in less than two years is a shocking increase in this hateful and—I should point out—anti-rule of law ideology. These documents reveal that there have been many more incidents in New South Wales than we were led to believe where individuals have taken to display the Nazi flag. It is extraordinary and damning that there has not been a single person charged under the laws introduced in 2018. In the first quarter of 2020, there were four known incidents in New South Wales where the Nazi flag was publicly displayed. This included incidents in Wagga Wagga on a water tower and in Newtown. I believe that there should be rare exemptions where you can do this, such as historical film production or for theatrical productions such as a performance of *The Diary of Anne Frank*. But I do not see any reason to display a Nazi flag in New South Wales outside your home or in a community park.

To give further context, the Executive Council of Australian Jewry—the roof body for Australian Jewry—publishes an annual report on anti-Semitism in Australia. It is researched, written and compiled by the council's research officer Julie Nathan. She is an internationally recognised expert on trends in anti-Semitism and extremist movements. In fact, her knowledge on these groups is breathtaking. She is also extraordinarily brave in carrying out her work. The most recent report covering the period 1 October 2019 to 30 September 2020 found that 331 anti-Semitic incidents were logged nationally. The total figure consists of 188 attacks and 143 threats. In relation to New South Wales, there were 208 recorded anti-Semitic incidents, including 84 incidents of abuse, harassment and intimidation. While this year's survey of anti-Semitic activity in Australia is not expected until the end of November or early December, Ms Nathan told me, "There has been an increase in COVID-related anti-Semitism, including incidents, but especially online discourse in both the mainstream media, particularly comments, and also on social media."

I return to the question of freedom of speech and expression. This State, and indeed this nation, has substantial legislative frameworks that balance the right to express opinion against the right to live in our society free from unjust vilification and persecution. I acknowledge that racial vilification laws exist in New South Wales, Victoria and Western Australia, but there has never been a prosecution in New South Wales. Currently, a citizen of this State is prevented from verbally harassing another person or inciting hatred or violence on the basis of race or culture under racial vilification laws. Fortunately, an overwhelming section of our community agrees with and supports these laws. Under racial vilification laws, it is against the law to do anything publicly that could encourage racial hatred, serious racial contempt or severe racial ridicule against a racial or ethno-specific group. This type of behaviour is called "racial vilification". The Anti-Discrimination Board of New South Wales states that the following types of behaviour can be classified as racial vilification and against the law: racist speeches; racist statements in public; racist graffiti; racist statements or remarks in a newspaper or other publications as well as radio and television; people wearing racist symbols, such as badges or clothing with racist slogans, in public; and racist posters in a public place.

I mentioned that there are substantial legislative frameworks to balance the right to express opinion against the right to live in our society free from unjust vilification and persecution. I also note that these frameworks are constantly evolving because this space involves a constant competition between rights, none of which can be held out as being absolute. However, I believe freedom of speech should not, and does not legitimately, extend to the display of Nazi symbols. Let me explain why. The primary argument in favour of preserving speech that could offend us is that, if we shut out those ideas that might offend our society, we also risk reducing the strength of our political discourse. I am, as a rule, very partial to this argument. Members of this community know that I do not take offence easily. And I do not easily offer apologies to others on the grounds that they may have been offended, but I will when it is warranted. Members of this place may know this too well. But my point, in all seriousness, is that I agree with the principle that our society and our politics should be challenged, including by politics that may seem offensive to us.

I am, as a rule, a champion of the argument that the answer to a terrible idea is a better idea and that the response to a terrible speech is a better speech. I understand, as a rule, the principle that if we ban certain words, symbols and ideas from our body politic, then we may miss out on having our society challenged and strengthened by those ideas. But Nazism is not a cultural movement. Nazism is not an artistic expression. Nazism is a specific, fully formed and fully documented political ideology. It is not a new idea that deserves our curiosity. It is not a challenge that deserves our consideration. It is not a movement that warrants our respect. It is, in fact, a political ideology that Australian society has previously examined, considered, opposed, gone to war against and defeated. Let us be crystal clear that Nazism is a manifesto that Australia has already litigated and discarded.

For this reason, the display of Nazi symbols goes well beyond the realm of political debate or ordinary free speech. These are not symbols of ideas but acts of intimidation. They telegraph hate for individuals and hate for our society at large. A Nazi symbol is an offensive symbol in any context. Daubing a racist slogan on a temple, church, synagogue or mosque or carrying a Nazi flag is not an expression, it is an outright incitement to hatred



and violence. It has no place in our society after so many Australians sacrificed their lives to rid the world of this scourge.

I turn to the specific aspects of the bill. Firstly, I refer to schedule 1 to the bill, which makes important changes to the Crimes Act 1900 No 40. Schedule 1 [2] states that it will be an offence to display a Nazi symbol by a public act. A public act is defined to include any form of written or visual public communication, the wearing or display of clothing and other items in a way that is observable by the public, and the distribution or dissemination of material to the public. An act may be a public act for the purposes of the proposed offence, even if it occurs on private land.

On that matter, I refer to the disgusting display of a Nazi flag in someone's backyard in Newtown near a synagogue. If a public act of a person is an offence against the proposed section as well as under section 93Z of the Crimes Act 1900, the person may only be punished for an offence under one of the sections. To ensure that there is clarity in the legislation, there are clear definitions of a Nazi symbol, what constitutes a public act and, furthermore, what a symbol includes. Firstly, it states:

*Nazi symbol* means a symbol of or associated with the National Socialist German Workers' Party (the *Nazi Party*), the Third Reich or Neo-Nazism, including—

- (a) the Nazi flag, and
- (b) the *Hakenkreuz* (the Nazi hooked cross), the official emblem of the Nazi Party and the Third Reich.

I seek leave for an extension of 10 minutes.

#### **Leave granted.**

**The Hon. WALT SECORD:** The phrase "hooked cross" is used to avoid any confusion with the Hindu, Buddhist and Jain symbols. Secondly, a "symbol" under the legislation in relation to a Nazi symbol includes an insignia, an emblem, a banner or a flag. This drafting occurred so that the legislation could capture Schutzstaffel lightning bolts, the Totenkopf and sonnenrad as well as Neo-Nazi symbols that did not exist at the time of the Nazi Party and the Third Reich. The sonnenrad, or sunwheel, is one of a number of ancient European symbols appropriated by the Nazis in their attempt to invent an idealised "Aryan/Norse" heritage. The Totenkopf is the German word for skull and crossbones, or the "death's head" symbol. The skull and crossbones symbol is an old international symbol for death, the defiance of death, danger, or the dead, as well as piracy or toxicity. Thirdly, a public act includes:

- (a) any form of written or visual communication to the public, including writing, displaying notices, playing of recorded material, broadcasting and communicating through social media and other electronic methods, and
- (b) the wearing or display of clothing, signs, flags and emblems in a way that is observable by the public, and
- (c) the distribution or dissemination of any written or visual material to the public.

To ensure that there are no unintended consequences, the bill has carefully crafted exemptions for the Indian subcontinent faiths. The Nazis stole their symbol and this bill respects its place in their respective faiths. That is why the legislation states:

However, the proposed section makes it clear that the offence does not apply to a swastika used in connection with Hinduism, Buddhism or Jainism.

I want to be crystal clear on that. This bill does not apply to the swastikas used in relation to Hinduism, Buddhism and Jainism. I note that there have been some mischievous and ill-informed people in the Strathfield area circulating inaccuracies about this bill. The proposed offence does not apply if the president of the Anti-Discrimination Board of NSW is satisfied the public act is to be done reasonably and in good faith for the purposes in the public interest and has granted an exemption from the offence. For example, this would be for a film or television production such as *The Diary of Anne Frank* which includes World War II and Nazism. The bill states:

This section does not apply if the President of the Anti-Discrimination Board has, by order, granted an exemption because the President is satisfied the public act is to be done reasonably and in good faith for—

- (i) academic, artistic, scientific or research purposes in the public interest, or
- (ii) other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

I move to the penalties under the bill. The maximum penalty for an individual is 50 penalty points, which currently stands at \$5,500 or imprisonment for six months or both. The maximum penalty for a corporation is 500 penalty points, which currently stands at \$55,000. The bill takes effect from the date of assent by the Governor. I end on a few observations on the aims of the Crimes Amendments (Display of Nazi Symbols Bill) 2021. As part of the consultation process, I have absorbed suggestions from the co-chief executive officer of the Executive Council of Australian Jewry, Peter Wertheim, AM; the chief executive officer of the NSW Jewish Board of Deputies,

Mr Darren Bark; the Hindu Council of Australia, both Federal and State bodies; and Mr Harish Velji, a Labor activist. I note that Mr Bark's suggestions were the result of separate meetings between the Jewish and Hindu communities, who work together on other matters. I appreciate their time and assistance.

This bill also has the support of the Australian Association of Jewish Holocaust Survivors and Descendants, the NSW Association of Jewish Service & Ex-Servicemen & Women, the Australia/Israel & Jewish Affairs Council and the Melbourne-based Anti-Defamation Commission and its Chair, Dvir Abramovich. The NSW Jewish Board of Deputies CEO, Darren Bark, said:

We welcome any move to counter the surge of violent extremist ideology occurring both globally and here in Australia. Any measures should be targeted and effective.

The Australia/Israel & Jewish Affairs Council's director of international and community affairs, Jeremy Jones, AM, wrote:

We are in full agreement with the intent and appreciate the thoughtful framing of legislation on a complex issue.

The final word should go to the survivors of the Shoah. They know firsthand the pure evil of ideology associated with the Nazi Hakenkreuz. On 3 October Dr George Foster, president of the Australian Association of Jewish Holocaust Survivors and Descendants, wrote:

I would like to congratulate you on your initiative. The Board of Management of the association unanimously supports this proposal both owing to the evil which these symbols represent to the precipitous rise in antisemitism and extreme terrorist ideology globally as well as here in Australia. I do not have to outline to you the offensive nature of these symbols to Holocaust survivors and their descendants. However, the deep psychological anxiety and distress engendered by survivors' horrendous war-time experiences are often reawakened by the simple sight of such symbols. Whilst criminalising the display of these symbols will never remove their scars, doing so sends an important and significant message that antisemitism and all forms of racism and bigotry will not be tolerated in our society.

While this issue is very important to the Jewish community and the survivors of the Shoah, it should also be of interest to all of us who want to live in a decent society. As my colleague Steve Kamper, shadow Minister for Multiculturalism, said during our consultation on the bill, those carrying Nazi symbols in the recent COVID rallies were not just attacking Jews, they were attacking our whole society. We are in agreement with Julie Nathan of the Executive Council of Australian Jewry. Three years ago on 28 August 2018 in a piece for ABC radio's *Religion and Ethics* program's webpage she wrote:

Racism is racism, regardless of the identity of the perpetrator or the identity of the victim. All racism and bigotry is wrong, not just some forms. If racism is allowed to occur and fester against even one targeted group, then the whole of society is diminished.

Ms Nathan's argument is a sound one that is rooted in the deepest and most respected thought, faith and belief that the New South Wales Parliament cherishes. It is a modern-day reflection of John Donne's iconic meditation:

No man is an island entire of itself; every man is a piece of the continent, a part of the main.

While superficially the targets of Neo-Nazism may seem to be people of certain faiths or appearances, the truth is it affects all of us who stand for the rule of law and democratic tradition. Previous generations of Australians understood this and sacrificed much accordingly. In that context, the question we face today is no less important but the burden we are asked to take in passing this bill is comparatively light. Let us not shy away from that burden. I commend the Crimes Amendment (Display of Nazi Symbols) Bill 2021 to the House and I thank the House for its consideration.

**Debate adjourned.**

### *Documents*

## **NATIVE FOREST MANAGEMENT**

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

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 1353 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (16:51):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Planning and Public Spaces or the Natural Resources Commission relating to forestry operations in public forests under the coastal Integrated Forestry Operations Approval [IFOA] following the 2019-20 bushfires:

- (a) any Natural Resources Commission advice on forestry operations in public forests under the coastal IFOA following the 2019-20 bushfires; 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.

For the benefit of members, this is very simple call for papers. It relates to a very specific document that has been prepared by the New South Wales Natural Resources Commission [NRC], the independent natural resources adviser to the New South Wales Government. It was tasked to provide advice to the Government on how forestry operations should be conducted in our devastatingly burnt State forests in New South Wales. It came about because of a substantial dispute between the regulator of Forestry Corporation of NSW, the NSW Environment Protection Authority [EPA], and its political bosses at Regional NSW. There was a dispute over the adequacy of the current rules for logging in what are devastatingly burnt forests across New South Wales, particularly on the South Coast where we saw more than 85 per cent of forest burnt.

That dispute led to stop work orders being issued by the EPA, which led to effectively legal threats being sent by the EPA through public correspondence to Forestry Corporation. As a political fix for that the Government commissioned its independent natural resources adviser to conduct this analysis to advise on how this should proceed and what rules should be put in place to ensure that we are not destroying those forests for the future by delaying their recovery and destroying the plants and animals that rely on healthy ecosystems in those forests. What has happened? We know the report has been done. The former leader of the NSW Nationals said as much in public when questioned on this, but it has been kept secret under the guise of Cabinet secrecy provisions. The advice provided by the independent adviser for the benefit of the public has been kept secret. Why? I can only imagine it is because it does not say what some people in the Government wanted it to say.

Whilst it has been kept secret for months and months after it was completed and handed to the Government, Forestry Corporation is still logging those forests. It is logging forests that were deemed to be a high risk by the EPA. Those forests that neighbour it that were also deemed high risk were subject to the regulatory action by the EPA for egregious breaches by Forestry Corporation, including illegally logging some of the last hollow-bearing trees that are so critical to the recovery of so many species in our forests. This is a simple request; it is a request for transparency of information that should have always been on the ground. A public review and report should have been conducted by the NRC. It is frustrating to me that its hands have been tied. It is not up to the NRC to release this report; it has been handed to the Government and it is being deliberately kept secret.

Members will know that an inquiry into the future of the timber and forest products industry in New South Wales is currently being conducted. We have had our first hearings. It raised more questions, I think, than it answered. Some of the questions go to the very sustainability of the hardwood sector in New South Wales, in part because of the impact of the fires, in part because of changes to the industry and in part because we recognise that climate change will have a profound impact on the nature of our forests. The report should be available to that committee to fully inform its work and to all the stakeholders who are engaged in that process. I implore members. This is not an attack on the forestry sector; it is an effort to make public information that should be informing a process that the House is already going through, and informing a public who are very concerned about the future of the forests and the future of forest industries across New South Wales. I commend the motion to the House.

**The Hon. SAM FARRAWAY (16:56):** The Government will not be opposing the motion.

**The Hon. MICK VEITCH (16:56):** I lead for the Opposition on this matter. The Opposition will be supporting the motion. As the honourable member said, at the moment an upper House inquiry is looking into the timber industry. We have had a couple of days of hearings ably chaired by the Hon. Mark Banasiak. A lot of questions arose from those hearings. I do not think we got too many answers. I am just trying to think—I do not want to take the House's time—no, actually, I do not think we got any answers. We did not get any answers, just a lot of questions at this point in time. To be fair, we have a way to go with that inquiry and a large body of work is ahead of that committee. This Standing Order 52 motion is pretty succinct and finite; it is not a catch-all. The Government is not putting up its usual arguments through extensive speeches beyond about half-a-dozen words about cost, because the motion is pretty definite and refined. I commend the member for that. We will be supporting this and we look forward to reading the information contained in the report.

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

**Motion agreed to.**

## **AGRICULTURAL INDUSTRY WORKFORCE**

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

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

That private members' business item No. 1327 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (16:59):** 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 Deputy Premier and Minister for Regional New South Wales, Minister for Agriculture and Western New South Wales, or Regional NSW (Department of Primary Industries) relating to agricultural workforce planning for the 2020 and 2021 harvest seasons:

- (a) all reports and briefings relating to domestic agricultural workforce supply projections, including analyses of individual sectors within the agriculture industry;
- (b) all reports and briefings on the economic impacts on the agriculture industry as a result of various projections of workforce shortages, including analyses of individual sectors within the agriculture industry;
- (c) all documents regarding Government strategies and responses to agricultural labour shortages, including strategies not pursued by the Government;
- (d) all documents, including emails, analysing the response of the Australian Government and other Australian States to agricultural labour shortages; 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.

This order for papers under Standing Order 52 is looking for what work the Government has done in planning for workforce issues and the harvest season. It arises off the back of the Minister's press release on 1 September this year, where he spoke about setting up an East Coast Agriculture Labour Task Force. The problem I have with that is on 1 September last year we actually knew there was a problem with our agricultural workforce in New South Wales. The closing of the international borders for COVID highlighted that we do not have enough shearers to shear our sheep, enough harvest operators to harvest our grains, and enough fruit pickers and vegetable workers to bring in our produce. We knew that last year.

The problem was highlighted last year but unfortunately nothing has been done, it would appear, between last year and 1 September this year—when the Minister decided he was going to have a talkfest. I am not sure how that is going to assist our graziers, grain producers and fruit growers in New South Wales with this harvest. That body of work should already have been done. This order for papers is looking for whether that work was done. To announce on 1 September this year that we are going to have a task force tells me that that work was not done. We are going to look at the documents related to the strategies of the Government around addressing this issue. We are going to talk to the Government—

**Mr David Shoebridge:** I agree.

**The Hon. MICK VEITCH:** They are barracking from the back.

**Mr David Shoebridge:** I am persuaded.

**The Hon. MICK VEITCH:** It is compelling. Did the department provide briefings to the Minister on this issue? Has the department been doing a body of work itself? If it has, has it gone to the Minister? What has the Minister done with that body of work? Has he sat on it? People are trying to work out whether they will be able to pick their cherries, blueberries and grapes, and whether they are going to be able to harvest their grain. Industry is taking up this issue itself now. The grain harvest association is urging former military tank operators to come and work as grain harvesters. That is an indictment on government. That means governments, State and Federal, have not conducted the work. They have had ample time. This work should have been done urgently last year and mechanisms should have been put in place to do it this year.

The other issue is that we are in competition with other jurisdictions around this workforce because the international borders are closed and we cannot get the shearers, the grain operators et cetera. What has the Government done to assess the initiatives other jurisdictions have put in place to see whether they work? Could we do them here in New South Wales? What is happening here? The Government is going to say that there are 2,000 people coming into the State. I say to the Government: How many of those 2,000 are not in meat processing plants? How many of the 2,000 are actually employed to pick fruit or operate grain harvesters? How many of the 2,000 are going to be working in the shearing sheds?

Two thousand people is woefully short of what we require. The NSW Farmers Association has made it very clear to me that 2,000 is a drop in the ocean to what is actually required. Specifically, if they go to agricultural pursuits, 2,000 does not cut it. I am not saying that the meat processing plants should not have those workers. They should. We need to get our work done. We need to have a workforce, but we also need a workforce for other parts of the agricultural sector as well. This order for papers, which I commend to the House, will unearth what work the department and the Minister has done, and what the Minister is going to do going forward from this point other than having an east coast task force and a talkfest.

**The Hon. SAM FARRAWAY (17:03):** I oppose the Hon. Mick Veitch's motion for the simple reason that, instead of dedicating resources to compiling lots of paperwork to indulge those opposite, we would prefer to get on with the job of supporting the industry and overcoming the COVID-exacerbated workforce shortage that we do have in the agricultural sector. It is no secret that preparing and delivering these papers and returns under Standing Order 52 takes an enormous amount of time. It means taking critical internal resources in the Department of Primary Industries away from actually providing the support the industry is calling for. Let me be clear: As members on this side of the House well know—and I do say, to be honest, from my two years dealing with him that the Hon. Mick Veitch has a deep appreciation for this as well—agriculture is incredibly crucial in driving the State's COVID recovery.

Following the years of hardship, including the current pandemic as well as the bushfires, the mouse plague, the floods and, of course, what could only be described as probably the harshest drought in recent history and that we have seen in our lifetimes—or at least mine—our farmers are on the cusp of a second consecutive year of record harvest. While we know that the access to adequate labour in primary industries is not new, never before have we seen international and domestic border closures like those due to COVID-19, which has not only highlighted the workforce issues across the sector but also created immediate challenges for our farmers. Agriculture has long relied, in part, on an overseas workforce and COVID's border closures have exacerbated the worker shortage that we already had in that sector. That is why we are working closely with industry. This side of the House speaks to farmers every day and we do listen to them. I accept the honourable member opposite does as well—probably more so than others in his party, but that is because of his experience.

That is why the New South Wales Government has already aided with the arrival, as the honourable member highlighted, of 2,500 additional foreign agricultural workers. Yes, some are in meat processing plants but many are also on farms across New South Wales. We also know that the cost of quarantining these workers for 14 days is a significant barrier for our farmers, which is why we have subsidised those costs by 50 per cent. This takes the financial burden from \$3,000 per person to \$1,500, making New South Wales the cheapest scheme in the country. We have spearheaded the Agricultural Workers Code to allow the free movement of agricultural workers across State borders. As the House can see, there is clearly no silver bullet to this workforce shortage. I seek an extension of time.

#### **Leave not granted.**

**The Hon. ROD ROBERTS (17:07):** One Nation supports the Hon. Mick Veitch's motion. I do not have a lot to add because he has spelled out the situation clearly, except I am going to cut a big hole in the Hon. Sam Faraway's argument. He spoke about the time it takes to compile documents. Let me tell the Parliamentary Secretary why the Hon. Mick Veitch is doing what he is doing. In *Questions and Answers* paper, 2 September 2021, No. 7358, I asked the agriculture Minister, amongst other things:

- (a) Over eighteen months after the first reported case of COVID-19 in this country does the Government have a clear plan for addressing the labour shortage of seasonal agricultural workers for New South Wales?
- (i) If so, what is that plan?

The answer I got was:

- (1)
- (a) Yes.
- (i) The NSW Government is currently implementing a range of actions, which will complement existing measures, to help industry address the labour shortage.

Why are members ordering the production of papers under Standing Order 52? If the Government answered questions properly we would not have to avail ourselves of our right under that standing order. On 27 September 2021 I asked again on notice:

- (1) On 2 September 2021 Question on Notice 7358 was asked and a response was received on 23 September 2021. In relation to that response:
- (a) What are the actions the Minister refers to in the answer to question (1) (a) (i)?

So we had to go back and ask all over again. Is it any wonder we have to avail ourselves of this motion? I understand the member's intent and I understand that he is working under instructions, but he has absolutely not a leg to stand on, I am sorry to say. I know it is not his fault, but he should not come in here and try to snow us—and that is the best way I will put it. In closing, we need to know what the plan is. COVID has been ongoing for over 18 months and still there is no plan. Yes, 2,000 workers have come in, but I guarantee that they have all gone to large corporate commercial enterprises such as abattoirs, which are entitled to get workers but who is looking after the small mum-and-dad producers? What order are they on the list for the 2,000 workers that are coming in? We want to know and I hope we will find out through this Standing Order 52 motion, which we support.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Is anyone else seeking the call? Does the Hon. Mick Veitch wish to reply to the debate?

**The Hon. Mick Veitch:** No, the Hon. Rod Roberts said it all.

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

**Motion agreed to.**

## **COVID-19 AND CORRECTIONAL FACILITIES**

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

**The Hon. TARA MORIARTY:** I move:

That private members' business item No. 1351 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. TARA MORIARTY (17:10):** I seek leave to amend private members' business item No. 1351 outside the order of precedence by:

- (a) omit paragraph (c) (ii); and
- (b) omit in paragraph (d) all words after "provided" and insert instead "by Justice Health and Forensic Mental Health Network or NSW Health to the Department of Communities and Justice and Corrections NSW relating to COVID-19; and"

**Leave granted.**

**The Hon. TARA MORIARTY:** 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 June 2021 in the possession, custody or control of the Minister for Counter Terrorism and Corrections, Minister for Health and Medical Research, Attorney General, Department of Communities and Justice (Corrections NSW) and the Ministry of Health relating to COVID-19 outbreaks within correctional facilities:

- (a) all documents relating to the management and planning of potential or actual COVID-19 outbreaks within correctional facilities;
- (b) all documents relating to the various policies and procedures drafted to keep COVID-19 out of correctional facilities;
- (c) all documents, including file notes, meeting papers, briefing minutes, agendas, representations and correspondence between:
  - (i) Corrections NSW and the Justice Health and Forensic Mental Health Network in relation to potential or actual COVID-19 outbreaks within correctional facilities, and the management and handling of positive cases of COVID-19 within these facilities; and
  - (ii) each correctional facility, COVID Command Centre and the Justice Health and Forensic Mental Health Network in relation to positive cases of COVID-19 within and across correctional facilities;
- (d) all documents, including file notes, meeting papers, briefing minutes, agendas, representations and correspondence relating to the health advice provided by Justice Health and Forensic Mental Health Network or NSW Health to the Department of Communities and Justice and Corrections NSW relating to COVID-19; 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 start by thanking the staff who are working in correctional facilities around New South Wales in all areas of the system, including in the Justice Health and Forensic Mental Health Network. They do very important work at the best of times, let alone in the circumstances we have faced over the past few months. On behalf of the Opposition, I acknowledge the difficult and important work they do and put our appreciation on the record here today. I also thank them for the work they have done in relation to the COVID outbreaks in correctional facilities over the past couple of months, which are ongoing. I would have preferred it if the work had been done before the outbreak rather than after it, as I am sure they would.

An outbreak in some correctional facilities in New South Wales was always a possibility. Thankfully, there was only a minimal issue last year. But this year is significantly different. I acknowledge that Delta is a particularly ferocious strain of COVID and we have seen its impacts across the community over the past few months. Again, whilst I appreciate the work of the team at Corrections, we have seen a very significant outbreak in correctional facilities since July, with major impacts on the system—including on staff and on inmates—and a flow-on effect to the community. There have been many hundreds of cases, including among staff and inmates, in what should be a controlled environment.

Last month the Public Accountability Committee, as part of its ongoing inquiry into the Government's handling of COVID, held a hearing into the circumstances surrounding the outbreaks in correctional facilities. I participated in the hearing on behalf of the Opposition. We heard at that hearing that Corrections relied on advice

provided by NSW Health and Justice Health in relation to COVID. That in itself is not unreasonable. But we also heard that the advice relied on was not the same as the health advice provided elsewhere in the community, including in other high-risk environments like health facilities. One example was requiring staff who had potentially been exposed to COVID to return to work before the required 14-day isolation period. I fully understand and appreciate that Corrections is a very unique environment, so there may be a good reason for that requirement. But we need to see the information and advice provided by Justice Health to better understand the situation that unfolded.

We believe that, just as we sought information on the health advice provided to government and the crisis cabinet to be made public, it is important to see the health advice provided to Corrections in relation to this issue. I acknowledge that it has been, and continues to be, a difficult time for high-risk areas like Corrections. With a fast-moving issue like this pandemic, I understand why advice must be relied on and that things are moving at a pace. We have been as bipartisan as possible in relation to trusting and relying on the health advice during this time, but we still need transparency. We are over 18 months into this pandemic and now, thankfully, opening up a bit. The community is entitled to know and feel confident that the decisions made by government are the right ones. We are seeking, via this motion, the policy documents for managing COVID in the corrections system since June, details regarding correspondence between agencies and facilities regarding positive cases in the system, and the health advice that was provided by NSW Health and Justice Health to Corrections.

We got a tip-off, as it were, at the start of the outbreak at the Parklea Correctional Centre back in July. I do not know why it was not made public immediately by authorities. It occurred at a time when we had lengthy daily press conferences with the Premier, the relevant Minister on the day and spokespeople from the relevant departments to give the community all kinds of detailed information about case numbers, exposure sites et cetera. But there was no disclosure about the outbreak at Parklea or in prisons until we made it public, and I want to know why. Many hundreds of high-risk, extremely vulnerable people got sick—both staff and inmates—and we need to understand what happened, especially so as to ensure that it cannot happen again. We need to be sure that officers and staff in very difficult work environments are as protected and as safe as possible.

I have also heard from many concerned families of inmates that they could not get information during the outbreak about their loved one's health situation, and that is not okay. It was, and is still, a very serious situation in Corrections. A number of questions need to be answered, and these documents will be a further step towards answering them.

**The Hon. SHAYNE MALLARD (17:16):** The Government will not be opposing this motion. I acknowledge that the shadow spokesperson, the Hon. Tara Moriarty, had a meeting with the Minister and his staff this morning and, recognising the reality of this Standing Order 52 motion, she has cooperated by reducing its scope to make it less resource intensive. As the member rightly acknowledged, correctional staff are still working very hard to contain and manage COVID issues. I share the member's concerns around the outbreak in the prison system. That has been a great challenge in prisons globally. At a very early stage I raised within the organisational structures of my party the issue of Indigenous people in prison and their higher-risk status. I reiterate that the Government will not oppose this Standing Order 52 motion, and I thank the Hon. Tara Moriarty for her cooperation.

**Mr DAVID SHOEBRIDGE (17:18):** On behalf of The Greens, I support this motion. I note the contribution from the Parliamentary Secretary. I accept that he also has personal concerns in this regard and I believe they are genuine and heartfelt. My office has been inundated with calls and correspondence from family members, in particular, of inmates of prisons in New South Wales who are deeply concerned because they cannot contact their family members, their loved ones. I have had mothers, sisters, partners and children contact my office in tears because a family member is in prison, they have found out about a COVID diagnosis and then they do not hear from their loved one for weeks and weeks and weeks. When he or she is eventually released, the family hears a story of an often quite gross lack of proper medical assistance.

Many prisons are having 23-hour lockdowns and the inmates have no recreation. There are quite terrible conditions in our prisons. That is not sustainable. It is inhuman, and it should not require an order for the production of documents under Standing Order 52 [SO 52] from this House for those documents to be produced. There should be proactive production of this information. Last year, there was. Last year, there was real-time, proactive provision of information about COVID cases in prisons and about the responses that were being done. This year, there is next to nothing. At best there is a number added to the general release of numbers but none of that kind of proactive material. It is about time we broke down those barriers. It is about time we broke down the secrecy. The Greens support the SO 52.

**Reverend the Hon. FRED NILE (17:19):** I wish to say a few words in support of the motion. It is a very important issue and one which concerns the community, particularly those who have any association with

corrective services, the inmates and family members. I am pleased to support this, and I look forward to having factual information to work out policies to prevent this from happening again.

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

**Motion agreed to.**

*Bills*

**CONSTITUTION AMENDMENT (VIRTUAL ATTENDANCE) BILL 2021**

**First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Mr David Shoebridge.**

**Second Reading Speech**

**Mr DAVID SHOEBRIDGE (17:21):** I move:

That this bill be now read a second time.

The object of the bill is to amend the Constitution Act 1902 to enable members of Parliament to attend meetings of Houses of Parliament remotely for the purposes of voting and quorum. It is to ensure that democracy and representation can continue even during times of crisis, when it is more important than ever that elected representatives do their jobs to represent their constituents, oversight Government power and make sure we can pass the laws that are needed to deal with a crisis. I present the bill as we come out of months of lockdown in Sydney, during which the Government did everything it could to prevent this Parliament from meeting and doing its job to hold the Government to account. We can never again allow this Parliament to be held hostage by a Government using, in that case, a health crisis to prevent democracy from happening.

What does the bill do? Specifically the amendments provide that, for the purposes of two provisions of the New South Wales Constitution Act 1902—and I remind those people listening that New South Wales does have a constitution. It is not a particularly good one. It is not a particularly robust one. It is not full of rights, but it does put structures around how this House works and provide some basic infrastructure for democracy in New South Wales. The bill seeks to amend two provisions of the Constitution Act, or provide amendments that act upon those two provisions, relating to quorum and voting. It provides that a member is taken to be present at a meeting of the House if the member attends the meeting remotely using an audio or audiovisual link, or another method of communication, that is in accordance with the standing rules and orders of the House, or a resolution or sessional order of the House. It achieves that by inserting a new section 3 (2) into the Constitution.

This is a simple change that will allow Parliament to continue to operate while ensuring members are able to comply with health orders and maximise the safety of members and parliamentary staff. It also allows the mechanism for remote attendance to be as agreed by each House, which allows for flexibility in the future as technological changes enhance the ability to attend remotely. We need this flexibility. Think for just one minute: If we had legislated for a technological fix 25 years ago, it would have been limited to attendance by landline access and most likely would not have allowed Zoom. The change creates a model that allows for the ongoing function of the Parliament, with appropriate checks and balances in place to ensure the powers cannot be misused. It is also drafted so that it does not limit the capacity of either House to have any of its existing functions performed remotely in accordance with existing custom and practice. I include in that the online committee hearings that we have, as well as the remote attendance we have been having from members today.

It will still be possible to make other arrangements, like having reduced members present or hybrid sittings, when these are needed and appropriate. After ongoing discussions with colleagues from the Opposition and the crossbench, the bill also incorporates two additional safeguards. The first is that the remote attendance provisions will only operate if the Presiding Officer of the House—for the purposes of the upper House that is the President and for the purposes of the other place, the Legislative Assembly, it is the Speaker—has declared that a public emergency exists, including a public health crisis, natural disaster, major accident, civil disturbance or act of terrorism, and that as a result it is not safe or practical for members of the House to meet in person. That amendment is found in new section 3 (3) of the bill. That amendment is intended so that this provision is not abused, or potentially abused, in the future to convert real-life sittings of Parliament to remote sittings if the Government of the day wanted, for some reason, to downgrade the status of Parliament.

The second safeguard is the insertion of a sunset clause that sees the new section repealed five years after commencement. Of course, it is hoped that once the section is in place and is working effectively and the sky has not fallen in, the sunset clause will be removed. The good news is that almost no sunset clause has ever set on legislation in New South Wales. The bad news on that front is that most of the other laws with a sunset clause relate to increased police powers or other restrictions on people's civil liberties. Nevertheless, the point remains.



We have a sunset clause so that we can test over the next five years whether those potential concerns have any validity. In short, on behalf of The Greens I seek support for the bill to allow Parliament to continue to sit during this and any future pandemic or similar crisis. We are joined in this by the millions of people across the State who want checks on the power of the Executive during times of this and any future crisis. It is a simple fact that, as COVID-19 spread across this State, essential workplaces across New South Wales continued working in the many months that Parliament refused to sit because of the Government's actions.

Workers in retail and hospitality continued to be at the front line of the pandemic, as were delivery drivers, warehouse workers and, of course, our tremendous health workers. These are essential frontline services. But The Greens believe that democracy is also essential. With the changes in the bill, no future pandemic or other disaster will be able to stop democracy again. The bill puts in place changes that we have needed throughout the current crisis, when Parliament did not sit because of the pandemic. While Parliament was shut, we were limited in our collective ability to force the Government to produce documents and to hold Ministers to account in the Chamber. But this lack of flexibility had other, deeper consequences.

We also could not pass laws that were carefully targeted to address the unfolding crisis. Instead, when we first saw the pandemic spreading last year, we were persuaded to rapidly pass emergency laws that gave sweeping executive powers to Ministers, even to the point of allowing them to override existing laws to address the crisis. We did that because we knew that, if the pandemic took hold, we may not have been able to safely recall Parliament. The Greens never want to see this Parliament in the situation again where, because of the lack of flexibility in the sittings of this House, we are forced to hand over such extraordinary powers to the government of the day. Democracy is too important to be held hostage like that.

Meanwhile, there were communities asking for urgent issues to be raised and this place had its door closed, with no alternative options available. That is just not good enough. As we can see today, enabling virtual attendance is not just possible, it is happening—and I welcome the members attending remotely today. What observers may not understand, however, is that even though members attending remotely can contribute to debate and they can move motions, because of the limitations in the Constitution they are not considered present in the Chamber when we are determining a minimum quorum and they are not entitled to vote. That is what this bill fixes.

In cases where it is legitimately not reasonable for members of Parliament to attend the building, or a natural disaster or the like prevents their attendance, then the wheels of democracy should not simply grind to a halt and all power handed over to the Executive. We need an alternative model to be available. In this regard, it is time MPs showed leadership. It is time we do not hide behind health orders and pack up the Parliament. It is time that we get into the twenty-first century. Indeed, on 22 April 2020, the United Kingdom Parliament had its first "Zoom Parliament"—more than a year ago—with a very minimal number of MPs in the Chamber and most members participating from home. It took us significantly longer to have remote attendance happen in this Parliament, but at least we have got some of the way already. Maybe some of the fear of participation in technology will dissipate as we see it happening remotely in this Chamber.

It is time now, however, to start planning ahead and ensuring that we have the structures in place to respond to the threat of pandemics or other crises and very real safety risks from environmental or terrorism events which make attending Parliament in person sometimes impossible. The British Parliament's hybrid model allowed around 50 people to be present and 120 to participate from home. Technology was implemented in the UK Parliament—which some would say is the mother of imperial parliaments—to enable remote voting. Why not here? This logical step was explained by UK Labour MP Che Onwurah, who said:

... the idea that Parliament should just go along with the same processes from the 17th century—the idea that we shouldn't change as well to respect social distancing—is unacceptable.

I commend those thoughts. Other State and Federal parliaments, whether it is the Brazilian senate or the Argentinian and Chilean parliaments, have also moved to quickly facilitate online sittings. This year and last year the G7 met remotely. The United Nations Security Council met remotely. Courts in Australia have switched to online hearings to ensure that access to justice is not unreasonably impeded. Parliamentary committees in this House have also moved online and we have done really important work in this time, including the oversight of the Government's response to the pandemic. This has been a genuine achievement by the Clerk and all of the Legislative Council staff—and I commend them for it—but it has not allowed this Chamber to reconvene. For that, we need this bill.

This is a global reality and it is foolish to pretend we will not need to do this sometime in the future in New South Wales. Maybe there is a further variant of this terrible COVID-19. Maybe there is another calamitous natural disaster that prevents us meeting. Of course, we hope that does not happen. But you do not have policy based on hope; you have policy based upon proper case management. You have policy that is designed so that our

fundamental features in this society can continue operating even if the worst happens. We do not have that now. We need it, and that is what this bill produces.

Ensuring virtual attendance is already possible. The technology is in place. What we need to do is put the legal framework around it so that it can have full effect in this Chamber. Of course, there are some who prefer the lack of scrutiny and for Parliament not to be sitting. Any Executive, any government of the day, that does not have control of a parliamentary Chamber would rather that it did not sit. We have seen that in the past few months with this Government. But we should not permit that to continue. The scrutiny of an independent upper House and even the rigours of the other place, whatever they are, are important in democracy. But democracy is not an optional extra. It does not just happen every four years with elections. It is core to what we do here every day. It is core that when we talk with our constituents, we hear their concerns and we bring those here and we hold the Government to account. Democracy cannot be held hostage to the next pandemic. I commend the bill to the House.

**Debate adjourned.**

*Documents*

**THE HON. BRAD HAZZARD**

**Production of Documents: Order**

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

That private members' business item No. 1346 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (17:35):** 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 Premier and Cabinet, Ministry of Health, the Premier, or Minister for Health and Medical Research, relating to the classification of the Hon. Brad Hazzard, MP, as a casual contact of the Hon. Adam Marshall, MP, when he tested positive for COVID-19:

- (a) all documents disclosing all forms of contact the Hon. Brad Hazzard, MP, had with the Hon. Adam Marshall, MP, on 22 and 23 June 2021 in or outside Parliament House, including at a dinner held by the National Party at Parliament House on 22 June 2021;
- (b) all documents disclosing why the Hon. Brad Hazzard, MP, was classified as a casual contact of the Hon. Adam Marshall, MP, after coming into contact with him on 22 and 23 June 2021, including documents:
  - (i) created by the relevant public health unit that contacted the Hon. Brad Hazzard, MP;
  - (ii) disclosing what information was sought, including CCTV or QR code information from Parliament House; and
  - (iii) that record any changes to proposed or actual classifications of the Hon. Brad Hazzard, MP;
- (c) all documents disclosing how determinations of casual and close contacts of positive COVID-19 cases were made in relation to those that attended the dinner at Parliament House 22 June 2021;
- (d) all documents and advice provided to the Hon. Brad Hazzard, MP, relating to isolation requirements; 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.

This Standing Order 52 motion has provoked great interest around the Chamber and a fair deal of support. It comes against the background where, in Sydney in particular, we have just come out of a long, dark nightmare of 107 days of lockdown. The State Government imposed restrictions on liberty, freedom and personal contact. It got down to the point of the Chief Health Officer telling us not to talk to our friends and neighbours on the street, not to browse in the shops, really not to be a social person. For young people in particular it has been incredibly debilitating. Young people have been isolated from their school friends, their sporting friends and their best friends.

For those of us who have had decades of experience in what society means, perhaps we have been able to rationalise this period. But young people are still feeling their way as to what this thing called society is and how to relate to people. They might think society is being locked in your house and that having contact through a computer screen in your bedroom or some other room is the limit of it. We are hearing about all of these mental health programs being invented now. The best program was never to have locked down the young people in the first place. It has been cruel and unusual punishment on young people, teenagers and adolescents feeling their way. They did not quite understand why it was happening or what was happening to the social feelings and contacts and companionship that they were developing at their young age.

In that environment, where there must have been thousands of rules imposed upon us—the spaghetti bowl of health orders, the daily press conferences barking at people what they should do—there was a supreme

responsibility for the Minister for Health and Medical Research to comply with all the rules. I have no doubt that at the National Party fundraising dinner in this place on the night of the last State budget in June 2021, the Minister shook the hand of the Hon. Adam Marshall and so was a close contact of someone who was shortly thereafter revealed to have COVID. We evacuated the building, as everyone would remember. The Minister isolated for a short period of time. He must have known he was a close contact. Yet, somehow, in the health system that he administered, he was only classified as a casual contact. Other people at that dinner were forced to isolate for a fortnight as close contacts of Adam Marshall, but someone who had physical contact with him got off light. The Minister for Health and Medical Research was allowed to go about his business and was bobbing up at the press conferences for days thereafter.

I would not raise this lightly or without evidence or firsthand accounts. It is a disgraceful instance, in my belief, of the Minister applying to himself a set of rules and standards that were light and ineffective when he was trying to impose a harsher set of rules on the rest of New South Wales. You cannot have the rule makers not comply with the rules themselves. If this situation is true, as I believe it to be, the health Minister will be damned if we can get the documents showing what really happened—that someone who was surely a close contact and needed to isolate for a fortnight was instead classified by his own people and processes as only a casual contact.

I directed a question on notice to the health Minister and he came back with an answer—it is all in the hands of the Public Health Unit contact tracers who spoke with Adam Marshall. In the confidentiality of that wing of the Mookhey library upstairs, we can find out what was said in that regard. They will probably be privileged documents and we will respect that privilege. But I think as legislators, in the interests of transparency, we need to find out the truth. Accounts have been given to me that need to be acted on. I have tried to do that in a fair and reasonable way with this call for papers. I hope the health standards and the truth can be established so the people of New South Wales, through their elected representatives, can know what really happened on the night of the State budget.

**The Hon. WALT SECORD (17:40):** Labor supports the Hon. Mark Latham's motion. I was unaware that he put questions on notice and followed the process that we all do. When we get frustrated, we then resort to Standing Order 52. The Hon. Mark Latham went through that process before he did this, and I accept that. He makes a very persuasive case, so on the principle of transparency we will be supporting this. Yes, we have come out of 107 days of lockdown with almost 80 different health orders chopping and changing. We understand the difficulties that police officers had in enforcing and giving people citations under public health orders when they were being changed all the time.

Many in the community have brought forward their concerns about how difficult it was under lockdown, especially in western Sydney. Parts of the community felt that lockdown was unfair on western Sydney, and I say that as a person who lives in North Bondi. I remember taking the dog out for a walk and glimpsing the beach in North Bondi, chock-a-block. I understand why people in western Sydney felt that way, but I understand that we had to protect the community. Again, it is about whether we had two cities.

As the Minister mentioned yesterday, I had my wedding on the weekend, during the lockdown. Unfortunately, it was half a day before the changing of the COVID rules, so we could have only 11 people at our wedding. Because it was at the synagogue, 10 of them had to be Jewish to constitute a minyan. We could not even have non-Jewish friends there, because we were limited to 11. That included the clergy, the photographer and the witnesses. After all of that, we were limited to three or four people. It was a very difficult time for everyone. I will leave it at that, on that personal note. We support the motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:42):** The Government opposes the motion. NSW Health is bound by the privacy obligations in the Health Records and Information Privacy Act 2002 and has strict obligations to maintain the privacy and confidentiality of COVID-19 positive cases and their contacts. As part of this conspiracy theory that the Hon. Mark Latham is now pursuing, he wrote to the Government back in July, as he advised, seeking answers to various questions.

He was advised that, upon notification, all cases of COVID-19 in New South Wales are rapidly contacted by their local Public Health Unit. The Public Health Unit conducts a thorough case interview to identify the person's likely source of infection, where they have been while potentially infectious and the people that they have been in contact with during that time. Other sources of information are also used to assess the exposure risk and identify contacts, including CCTV or QR code information where available. The level of risk of each potential exposure between the COVID-19 case and other people is assessed to determine the public health response. People identified as casual contacts or secondary close contacts are asked to get a COVID test and self-isolate until they receive a negative result and to follow any additional public health advice.

NSW Health takes its role seriously because COVID-19 is a real threat. As at 11 October 2021 just under 70,000 people in New South Wales have been diagnosed with COVID-19 and, devastatingly, 500 lives have been

lost. Just under 20 million COVID-19 tests have been performed and our doctors, nurses and frontline health staff have cared for thousands of COVID-19 patients throughout the pandemic—in addition to the usual millions of presentations to the emergency department and inpatient episodes across the health system. NSW Health has administered more than 11 million COVID-19 vaccines. Across New South Wales, more than 90 per cent of the population aged 16 and over have received a first-dose COVID-19 vaccine and more than 75 per cent are now fully vaccinated.

While the New South Wales Government works hard to ensure that everyone has the best chance of avoiding COVID-19 and getting their life back to some semblance of normality, the Hon. Mark Latham is still pursuing the unworthy conspiracy that is reflected in this motion. We should be, in fact, having a motion about the work that the health Minister has done during this pandemic. The man's service to the State is outstanding. This is an unworthy Standing Order 52 motion, which ought to be amended so as to acknowledge the contribution that the health Minister has made to the health of this State.

**The Hon. MARK LATHAM (17:45):** In reply: I assure the honourable senior Minister that there is no conspiracy here. There is a lack of transparency, because the Minister had every opportunity to answer my questions on notice from 2 July—to be transparent and to provide a truthful account. As with so many calls for papers under Standing Order 52, we are only moving this one because the Minister has not answered the questions in part or in full. It is out of that frustration that we seek the documents. The question asked:

Did the Minister attend the National Party budget-night dinner in the Parliament House dining room on 22 June?

He did not answer that; he could have said yes or no. I am assured he was there. The second part of the question was, "What contact did the Minister have with Adam Marshall at the dinner?" He gave no answer whatsoever. He could have said, "I had no contact" or "I had some contact". He could have been truthful. The third part of the question was:

Did the Minister complete his speech to the gathering and then have a conversation and shake hands with Adam Marshall?

One would think that in answering me, Australia's pre-eminent expert on handshakes, he would give the truth of the matter. Sorry, Don; that was a funny, if you can handle that. The fourth part of the question was:

For how long did the Minister go into COVID-19 isolation after 22 June?

He did not answer any of those questions. He did not answer the final part:

Why were many other guests at the National Party dinner classified as close contacts of Adam Marshall but not the Minister?

It goes to a basic question of integrity. Is it possible that a Minister who has imposed harsh, draconian, damaging restrictions on 6½ million people in New South Wales, particularly here in Sydney, applied a lesser standard to himself—that he avoided the rules for his own circumstances that he was imposing upon every other citizen in New South Wales?

This is a high principle of Executive government responsibility. If the Minister has done those things, it would be a shame on him and a shame on the State Government. All I asked for in those questions were honest answers, which I did not get. If the Minister had nothing to hide then he could have just answered the questions and given us an account of what happened in this building—not in some private place but here in a public gathering of members at a National Party fundraising dinner. I think we were on the other side of the screen with our new President, swapping notes and planning new conspiracies against other people, while on the other side those real events were happening. We do our conspiracies in private but the really substantial things in public, as the Minister himself did at that public gathering in a public building—with some public expenses, of course—in the New South Wales Parliament House. This is a fair dinkum proposition—a high matter of ministerial responsibility, honesty and integrity—and that is why we need to get the documents.

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

**The House divided.**

Ayes .....23  
Noes .....16  
Majority.....7

AYES

Banasiak  
Borsak  
Boyd  
Buttigieg (teller)  
D'Adam (teller)

Graham  
Hurst  
Jackson  
Latham  
Mookhey

Primrose  
Roberts  
Searle  
Secord  
Sharpe

## AYES

Donnelly  
Faehrmann  
Field

Moriarty  
Moselmane  
Pearson

Shoebridge  
Veitch

## NOES

Cusack  
Fang  
Farlow  
Farraway (teller)  
Franklin  
Harwin

Khan  
Maclaren-Jones  
Mallard (teller)  
Martin  
Mitchell

Nile  
Poulos  
Taylor  
Tudehope  
Ward

## PAIRS

Houssos

Amato

**Motion agreed to.****HASSALL DEVELOPMENTS PTY LTD****Production of Documents: Order**

**The Hon. COURTNEY HOUSSOS:** Via video link: I move:

That private members' business item No. 1342 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (17:56):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 August 2019 in the possession, custody or control of the Minister for Better Regulation and Innovation, or the Department of Customer Service relating to requests by the NSW Building Commissioner:

- (a) all documents relating to any prohibition order, proposed prohibition order, or amended prohibition order, issued for Hassall Developments Pty Ltd located at apartment buildings at 9 Hassall Street, Parramatta; 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.

I understand that the Government will not be opposing this motion, which I move on behalf of the buyers at Imperial Tower. Imperial Tower comprises two 22-storey unit blocks, with 179 units, in Parramatta. I use the term "buyers" deliberately. I virtually met with about 30 buyers of units in the complex several weeks ago, and the Parliament heard from two of the buyers at the building inquiry on Monday. Up to five years ago, these buyers signed contracts and were promised a world-class building in Parramatta. But what has been delivered so far has been a building so defective that it has been the subject of a prohibition order from the NSW Building Commissioner. The Fair Trading documentation states that the defects include waterproofing inadequacies and problems with structural steel frame connections in the basement and that the building "was not adequately protected from fire spread". The defects were so bad that one buyer was refused a home loan and was forced to seek alternative financing in order to settle on the property.

The prohibition order that the NSW Building Commissioner issued on 1 July was initially to stop the issuing of an occupation certificate and also to prevent the registration of the strata plan. Just three weeks later after a representation from the developer, the second part of the prohibition order relating to the registration of the strata plan was quietly withdrawn by a Fair Trading official. There was no consultation with the buyers. The decision of Fair Trading allowed the strata plan to be registered and meant that the buyers were locked in and forced to settle on the apartments despite the many defects.

The apartments are not ready to be moved into, yet the strata scheme has been registered and now the owners are being forced to settle on the property. At Monday's hearing of the Public Accountability Committee's inquiry into the regulation of building standards, we heard that some owners want to stay in the building—they want the building fixed—but other buyers want out. They want to be able to exercise their sunset clause, but they are no longer able to do that because of the decision of NSW Fair Trading. The actions of this Government give them no choice in exercising this financial provision. Only this afternoon we have seen another building

potentially on the verge of collapse in Canterbury, not too far from where I join the House this afternoon. According to public reports, the building has serious structural defects.

The question of the Government's response to building regulation and how it is protecting apartment owners in Sydney is serious. The Government has said consistently that the powers provided to the NSW Building Commissioner under the Residential Apartments Buildings (Compliance and Enforcement Powers) Act 2020 will protect homeowners. These are the very orders that the Building Commissioner used, yet they failed to protect them. Indeed, the people affected were not even consulted or spoken to by the Government before the orders were revoked. There are serious questions about those prohibition orders and about the process for revoking them. We hope that the order for the production of papers we are seeking will allow those buyers and the New South Wales public to have that information so they can understand how prohibition orders will be issued and revoked going forward. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:02):** I compliment the Hon. Courtney Houssos on the erudite manner in which she has supported her motion. The Government will not be opposing the motion.

**Mr DAVID SHOEBRIDGE (18:02):** The Greens support the motion and thank the Hon. Courtney Houssos for bringing it before the House today. As members heard, in its inquiry into building standards, the Public Accountability Committee heard from only two of those building owners about the real personal and economic stress that they have faced. For one, it was five years into the contract; for the other, four years. Neither of them have anywhere to live. Both of them now face having to spend hundreds of thousands of dollars to complete a contract to buy an apartment that they already know is riddled with major defects from a developer that has a serious record in that regard. They were enormously relieved when the NSW Building Commissioner issued a prohibition order that effectively prevented the contracts from being extended and would have allowed them to get out of the contract because at that stage the prohibition order prohibited the registration of a strata plan and the registration of an occupation certificate.

**The Hon. Damien Tudehope:** What sort of lawyer have they got?

**Mr DAVID SHOEBRIDGE:** I hear the Government member ask, "What sort of lawyer have they got?" That cannot be the answer five years into the contract. The Building Commissioner having issued the original prohibition order, somehow some senior officer from NSW Fair Trading effectively reverses that order and removes the prohibition on registering the strata scheme. How did that happen? None of the purchasers or buyers heard anything about it. They were totally out in the cold. It seems the only person who could have been persuaded—NSW Fair Trading, who are meant to be there not for developers but for all of us—has a quiet conversation with the developer, amends the prohibition order and, bang, all of those homeowners are stuck again in this nightmare that they can never get out of. Let's find out what happened. Let's find out who spoke to who. Let's find out what the communications were. That is what this motion will do, and we support it.

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

**Motion agreed to.**

#### THE HON. DOMINIC PERROTTET

##### Production of Documents: Order

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

That private members' business item No. 1307 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PENNY SHARPE (18:05):** 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 or modified between 16 September 2021 and 12 October 2021 in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to the commencement of the Premier:

- (a) all briefings, notes and reports prepared for Premier the Hon. Dominic Perrottet, MP, on the commencement of his role as Premier; 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.

It is obvious what this order for papers under Standing Order 52 is about. The Opposition seeks the briefing notes and reports prepared for the incoming new Premier, the Hon. Dominic Perrottet, on the commencement of his role as Premier. I know that the Government will oppose the motion. I am not surprised by that. We have not been able to—

**The Hon. Shayne Mallard:** Where's the one on the Opposition leader? Where's his brief?

**The Hon. PENNY SHARPE:** You get to vote against it, Shayne, so go your hardest.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! We are flowing through this. The House is not far from the adjournment. I ask the Hon. Penny Sharpe not to respond to interjections, as tempting as it is.

**The Hon. PENNY SHARPE:** My apologies. If the member would let me continue, I will be brief. As I said, we seek the documents and I understand that the Government will not support the motion. Over the past 107 days of lockdown, the Government has abused the processes of the Parliament. The Opposition sought to have the House sit and sought transparency on a range of issues. We believe it is not unreasonable for the documents to be provided to the House. Before the Government gets too upset about it, I note that we expect the documents will be privileged. We will not challenge a claim of privilege. We understand what we are asking for and the nature of the documents. I want to be clear: The House can order the production of these papers, the Opposition is asking for them, and I ask members to support the motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:07):** One thing you could say about the new Premier is he probably does not need many briefings. This State is fortunate to have this man because talk about a bloke who is across his brief! This bloke is across his brief, and if we can take anything from the performance of the Leader of the Opposition in the other place over the past two days, it is that he has a lot of work to do to match it with the new Premier.

The Leader of the Opposition in this place belled the cat a bit by saying, "I want these papers because the House has not been sitting." What is the connection between the briefing notes for the new Premier and the House not sitting? The connection between the two defies belief. In other words what we are saying is, "We want to run a fishing expedition. We have got no reason for doing it. We want to see a set of documents." It epitomises the way the Opposition has abused Standing Order 52 time and time again only for the purpose of hoping to find some document about which they can create some media story. At some point someone will have to address that issue. I could talk for an hour—

**The Hon. Penny Sharpe:** You have one minute and 10 seconds left.

**The Hon. DAMIEN TUDEHOPE:** Okay. I could talk for an hour about the Premier and the manner in which he conducts his office and deals with the issues that come before him on a daily basis. The fact of the matter is that he does not need a lot of this material. He is absolutely familiar with the manner in which the State has been run. He has participated in just about every decision that the Government has made. As he has participated in the Expenditure Review Committee, in Cabinet and in leadership meetings, generally all of those things are already familiar to him. The manner in which he moved into this job and has acted on behalf of and delivered opportunities for the people of New South Wales shows that this State has excellent opportunities moving forward. We ought to be thinking how wonderful it is that he is now the Premier of this State.

**The Hon. PENNY SHARPE (18:10):** In reply: I am always interested in what the Hon. Damien Tudehope has to say. We know how much he loves the Premier—and that is lovely—but there are a couple of things I wish to say in response. The Hon. Damien Tudehope, on behalf of the Government, seems to believe members of this House abuse the power of Standing Order 52. The Opposition absolutely and utterly rejects that. It is an important power we have that is fundamental to the job that this House is charged with doing—

**The Hon. Damien Tudehope:** Can I quote you?

**The Hon. PENNY SHARPE:** I am sure you will in the future—after 2023. Sorry, I digress.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** That is the Hon. Penny Sharpe's fault for responding to the interjection.

**The Hon. PENNY SHARPE:** It is entirely my fault; it has been a long day. I make this point: We do not abuse that power. We take that power very seriously. Standing Order 52 has been one of the few oversight mechanisms that this House has had, given the Government's reluctance to play fairly in relation to Government Information (Public Access) Act requests and in relation to questions on notice—to actually answer the questions that we ask on behalf of the people of New South Wales. We do not abuse it. It is very important. Can we also talk about what this Government has done? It has twisted and turned this process to make it as perverse as possible by making documents privileged that should not be privileged—and losing most of the privilege appeals—because it does not want the documents made public.

The Government also says that no documents exist. We know why some of the grants documents do not exist—let us talk about the shredders, shall we? The Hon. Damien Tudehope has been given a hospital pass having

to come into this Chamber and say seriously that there are no documents, when we know there are truckloads of documents. This Government has used every trick in the book to try to prevent them from being made public. I just wanted to respond in relation to those matters. Standing Order 52 motions are serious and we do not take them lightly. They are fundamental to the role of this House. The Government could deal with them in a much better way than it does currently, which is to try to make it as hard as possible in as many cases as possible. We censure the Leader of the Government so often because he does not even provide the documents that we are legally able to ask for.

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

**The House divided.**

Ayes .....23  
Noes .....16  
Majority.....7

#### AYES

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

#### NOES

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

#### PAIRS

Houssos

Amato

**Motion agreed to.**

#### Motions

#### CLIMATE CHANGE

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 1317 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (18:19):** I move:

- (1) That this House notes:
  - (a) the "code red for humanity" warning from the United Nations Intergovernmental Panel on Climate Change [IPCC] in its report released on 9 August 2021, which found:
    - (i) an irrefutable link between human activity and climate change;
    - (ii) immediate, rapid, and large-scale reductions in greenhouse gas emissions are required to limit warming to 1.5 degrees Celsius; and
    - (iii) climate change is making extreme climate events, including heat waves, heavy rainfall and droughts, more frequent and severe;
  - (b) the Minister for Energy and Environment was reported in September 2021 as having acknowledged that New South Wales could "absolutely" meet the call by the United Nations to completely stop using coal-fired power by 2030;



- (c) the New South Wales Government has announced a goal of net zero carbon emissions by 2050 and a target of reducing emissions by 50 per cent of 2005 levels by 2030;
  - (d) since 3 September 2021, three new coalmine projects have been approved in New South Wales, which grants approval for almost 14 million metric tonnes per annum of additional coal extraction; and
  - (e) the New South Wales Government's plans to open up even more areas of New South Wales for coal extraction, including eight new coal zones near Rylstone on the edge of the World Heritage Wollemi National Park.
- (2) That this House calls on the Government to:
- (a) acknowledge that it is inconsistent with the latest IPCC science on limiting temperature increases to 1.5 degrees Celsius, as well as with its own emissions reduction targets, to continue to permit new thermal coalmining projects in New South Wales;
  - (b) commit to stop using coal-fired power in the State's energy mix and completely decarbonise the State's electricity system by 2030 at the latest;
  - (c) take responsibility for the emissions of coal extracted in New South Wales and burnt overseas;
  - (d) prevent the proliferation of coal, oil and gas by immediately and permanently ending all exploration and new production to protect workers, communities and investments from becoming stranded and to avoid locking the world into catastrophic and irreversible climate disaster;
  - (e) proactively support communities that have traditionally been economically reliant on fossil fuel industries by delivering a just and planned transition designed by and for community members, workers and their unions, so that no worker has to suffer the anxiety and financial insecurity that comes from losing their job; and
  - (f) ensure the continued presence of key services such as TAFE and education, postal, banking and telecommunications services in communities affected by the industrial and economic restructuring necessary to meet our emissions reductions requirements.

On 9 August the Intergovernmental Panel on Climate Change [IPCC] released the first part of its sixth assessment report entitled *Climate Change 2021: The Physical Science Basis*. The report constitutes the most comprehensive, up-to-date physical understanding of the climate system and climate change, and is testament to the rigour and professionalism of the hundreds of expert scientists who contributed to the report. A landmark moment in the history of global warming, the report itself provides little new revelations but rather strengthens the evidence to confirm much of what we already knew. There is an irrefutable link between human activity and global warming. Emissions are still rising. The planet continues to heat. Climate change is making extreme climate events, including heatwaves, heavy rainfall and droughts, more frequent and more severe. Humanity continues to inflict terrible wounds on our shared planet.

The findings themselves have not changed much. What has changed, however, is the brand and style of the approach by bad-faith actors in our society who seek to extract as much profit from our earth as possible at the expense of our future. The science of climate change is undeniable. Confronted with this reality, the climate denialists have themselves transformed. The new climate denialism pays lip-service to the science, begrudgingly accepting that climate change exists before promptly throwing every conceivable obstacle, equivocation or proviso in the way of any attempt to make the transformative change necessary to save our planet.

The science is clear: Immediate, rapid and large-scale reductions in greenhouse gas emissions are required to limit warming to prevent the most catastrophic outcomes. To question the economics of climate action is to deny the science. To wait for the market to decide is to deny the science. To allow new thermal coalmining operations is certainly to deny the science. To do anything other than legislating a moratorium on the proliferation of new coal, oil and gas is to deny the science.

In September this year the Minister for Energy and Environment—now also the Treasurer—proclaimed that New South Wales could absolutely meet the call to end the use of coal-fired power by 2030. The New South Wales Liberal-Nationals Government then announced more ambitious emissions reductions targets. And yet, since 3 September this year, three new coalmine projects in New South Wales have been green-lit. This inconsistency highlights that the barriers to achieving the deep decarbonisation of our economy are not technical or economic. The barriers are social, cultural and political.

Coal communities have provided the vast majority of this State's electricity needs for 200 years. Through the power and energy of their unions, the pay and conditions of these workers' jobs rose and with them grew the vitality of their local towns and communities. Now, due to technological advancements and environmental imperative, the decarbonisation of our economy is required, inevitable and desirable. Employment in these fossil fuel industries has been shrinking already and too many of the workers who remain are on temporary or labour hire contracts. The change is inevitable; the variable is what form this change takes. Governments have a responsibility to shape change. Every day that the Liberal-Nationals Government wastes refusing to develop a transition plan that is just and fair is another day stolen from historic coal communities, setting them back rather than propelling us forward into a future of high-quality industrial and energy generating blue-collar jobs.

We need to proactively support communities that have traditionally been economically reliant on fossil fuel industries by delivering a transition that is designed and planned by and for community members, workers and their unions, with justice and fairness at its foundation, so that no worker has to suffer the anxiety and financial insecurity that comes from losing their job. This means planning for and delivering a job-for-job transition with a guaranteed job for those who want it, and ensuring the continued presence of key services such as TAFE and public education, and postal, banking and telecommunications services in communities affected by the industrial and economic restructuring necessary to meet our emissions reductions requirements. Anything less than a comprehensively funded and consultative transition plan is a betrayal of the hard work and contribution that these coal communities have played and can continue to play into our future. The IPCC report made it painfully clear. Real climate change action means doing things differently, and that includes not leaving workers to the mercy of the markets.

**The Hon. TAYLOR MARTIN (18:24):** The Government does not support the motion. In recent weeks the Government has unveiled one of the most ambitious emissions reductions targets, with New South Wales already exceeding our previous targets through reduced emissions by 35 per cent of 2005 levels by 2030. We are exceeding these targets through renewable energy zones and the uptake of solar and wind, even as we take into account recent and planned coalmine extensions and approvals. I particularly note that earlier today the Government released its hydrogen strategy, which will create up to 10,000 jobs in regional New South Wales over the next decade and establish New South Wales as a hydrogen superpower. In my previous role as chair of the State development committee I commenced an inquiry into the possibility of a hydrogen industry. Today's announcement is a real game changer and much needed.

Ms Boyd's motion talks about the New South Wales Government's plan to open up even more areas of New South Wales for coal extraction. You need to explore before you extract. We have not even issued an exploration licence, let alone a mining lease. That part of Ms Boyd's motion is based on no more than the fact that a preliminary regional issues assessment [PRIA] has been conducted to allow the Government to properly gauge the extent of the people's resource in that area. Just because an area goes through a PRIA process does not mean it will be opened up for new exploration. I remind The Greens of the Future of Gas Statement unveiled recently by the former Deputy Premier. Three preliminary regional issues assessments were carried out in far western New South Wales to gauge the extent of the resource. And what happened? The Deputy Premier ruled out all three and reduced the areas covered by petroleum exploration licences by 77 per cent. That Future of Gas Statement has delivered certainty for industry and, of course, for local communities.

We have a very clear framework in New South Wales. The recent announcement to increase our emissions reduction target to 50 per cent of 2005 levels is entirely consistent with our Future of Coal Statement and our Future of Gas Statement. Today the Premier, the Treasurer and the Deputy Premier announced the New South Wales Government's multibillion-dollar hydrogen strategy. We now have a Royalties for Rejuvenation strategy to help these communities diversify their economies. We will do it in a way where coal exports will remain strong for many years to come, even as our own reliance on coal reduces and we pivot towards gas and then hydrogen. Our trading partners will follow, of course, and we will be ready to provide them with the technology that they will be seeking. This is a balanced approach that is economically and environmentally responsible. For these reasons will not be supporting The Greens motion.

**The Hon. PENNY SHARPE (18:27):** On behalf of Labor, I thank The Greens for raising this issue in the lead-up to Glasgow and acknowledge the importance for us to talk about the most recent United Nations Intergovernmental Panel on Climate Change's report. I do, however, note that Labor does not support paragraph (2) of this motion and will move the following amendments to that. I move:

That the question be amended as follows:

- (1) Insert in paragraph (1) (e) "potentially" before "even more areas of NSW".
- (2) Omit paragraph (2) and insert instead:
  - (2) That this House acknowledges and welcomes the comments by the Minister for Energy and Environment and Treasurer when he:
    - (a) spoke at the Smart Energy Summit in Sydney at the height of the summer bushfires and said "exactly what the scientists have warned us would happen. Longer drier periods, resulting in more drought and bushfire," "If this is not a catalyst for change, then I don't know what is." Mr Kean said NSW needed to act urgently and have a "meaningful discussion about the causes and what we need to do to fix it." "We need to reduce our carbon emissions immediately, and we need to adapt our practices to deal with this kind of weather becoming the new normal,"
    - (b) stated "We need to be doing our bit to make sure we mitigate or adapt to these more extreme weather events happening, and we do our bit to abate carbon and reduce the impact of climate change. We've got to stop making climate change a matter of religion and we've got to start making it a matter of science and

the science says that we need to reduce the impact of global warming by 2 degrees and to do that we need to achieve zero emissions by 2050," and,

- (c) said "The global economy needs to reduce its emissions and we need to make sure we are prepared at home for the risks posed by climate change. We cannot continue to let ideology and politics get in the way of taking real and meaningful action on climate change. The NSW Liberal-National government has been a leader on this issue. We were one of the first jurisdictions to set a net zero carbon-emissions target – before Britain, Germany or France; we are reducing our emissions faster than the national average; and we are developing Australia's first co-ordinated renewable energy zone. Of course, getting to net zero will require us to do more and I will have more to say on this over the coming months. But taking action to protect our environment does not need to come at the expense of our economy; in fact, it presents an economic opportunity it would be negligent to miss."

(3) Insert after paragraph (2):

- (3) That this House calls on the new Treasurer and Premier to make good on these comments and take strong and effective action on climate change.

It is extremely important that we call on the new Treasurer and Premier to make good on their comments and take strong action on climate change, and it needs to be a bipartisan effort. Labor's amendment to the motion allows us to do that. I heard what the Parliamentary Secretary said in relation to subparagraph (e) of the motion. That is why I moved a very small amendment saying that the New South Wales Government plans to "potentially" open up more areas. The rest of it is factual. Labor supports paragraph (1). We believe that it is good that we are having this discussion now and we need to get behind it. We look forward to the Government supporting our amendment, which backs in its own Minister and Treasurer and calls on the Premier to make good all of the many words that have been said about this. It is time to turn the words into action.

**The Hon. MARK LATHAM (18:30):** One Nation opposes the motion and also expresses its disappointment with the Labor amendment, because one would have thought that Labor would back up its rhetoric from the Upper Hunter by-election in emphasising the importance of coal jobs. Quoting Matt Kean is perilous, because Matt Kean says one thing on the ABC, when the loveys cheer on his climate change rhetoric, and then, when he is asked about the early closure of coal-fired power stations in New South Wales and whoever predicted that or said that that was a possibility, he says that he is worried about losing coal because of blackouts and economic ruin. What Matt Kean says depends on where he is and the particular day on which you catch him. The motion contains a quote that might not last until midnight. That is the danger of quoting Matt Kean. It is not advisable for a Labor Party looking for good economic and environmental policy. We need consistency.

The consistent thing to do is to recognise that nuclear is the answer. In terms of Keanology and the variability of the weathervane, I am told that earlier today he said that he was very excited about small modular nuclear reactors, which have zero emissions but renewable baseload power. Can we quote Matt Kean on that one and hope that it lasts at least until dinnertime? I hope it does. I like that part of Matt Kean's rhetoric because that is the logical solution.

The Greens motion that has been moved is cruel punishment on working people. The Greens say in one part of the motion that they are in favour of planned transition, but in the previous clause they call for the immediate closing down of coal, oil and gas. How do you have a transition when you close down the industries and sack people yesterday? The only thing The Greens would be building in places like the Hunter Valley is extra Centrelink offices. Then there is the further cruelty of how these elites look at these issues and throw working people away like fast-food wrappers. If you are unemployed and at the Centrelink office and The Greens have ruined all your jobs and places like Muswellbrook and Singleton are experiencing absolute economic carnage, The Greens with their kind, big heart say that you can go to TAFE, you can have an education, you can post a letter, you can go to the bank and the bank may have a mobile phone.

These people are so cruel and so out of touch with what working people need, which is good jobs, good education for their kids and good economic prospects for the future. You can get that while addressing some of the issues about emissions by unshackling nuclear power in New South Wales, lifting the ban, as my private member's bill proposes, and having baseload power, which in Europe right now they would kill for. We only have to look at how The Greens' remedy is playing out in Europe, where during this coming winter people will freeze to death because of these policies and a lack of understanding that you cannot just flick a switch and transition overnight to the clean energy economy. These things take many decades without being supported by government subsidy or by technology invested in by the private sector. What The Greens are saying should be rejected. [*Time expired.*]

**Ms CATE FAEHRMANN (18:33):** I wholeheartedly support the motion of my colleague Ms Abigail Boyd. We are in a climate emergency. That could not be more starkly shown than by what is happening and has happened with dangerous and unstable weather events across the world over the past few years in particular. I take up what the Hon. Taylor Martin said about the strategic release of areas for coalmining and that it has not been

approved yet. The issue is that the communities who have been fighting potential coalmines for at least 10 or 12 years are sick of doing so. Across New South Wales communities have shut down because of coalmines near their areas. The one that Ms Abigail Boyd has particularly talked about is Rylstone. The north and north-west of Rylstone is a beautiful part of the world. It is near the Bylong Valley, right at the edge of Wollemi National Park, which is a World Heritage site. The Government has identified the Hawkins and Rumker areas there for possible strategic release for coal and petroleum exploration. That is at a time when the Intergovernmental Panel on Climate Change has said, as other speakers have acknowledged, that limiting warming to below 1.5 degrees means keeping coal and gas in the ground.

The United Nations Secretary-General, António Guterres, has said that there must be no new coal plants built after 2021 and that OECD countries must phase out existing coal by 2030, with all others following suit by 2040. The International Energy Agency has made similar statements. We have the Government talking about giving certainty to some areas; the member mentioned, for example, the gas exploration at Liverpool Plains. But at a time when we should be moving away from coal, when the rest of the world is telling us to, the Government is talking about a potential coal exploration area and lumping more mines on more communities. These communities are up in arms. They have potentially years of fighting ahead of them. Why does the Government not have the courage to admit that coal has passed and say that we do not need coal?

**The Hon. BEN FRANKLIN (18:36):** I was not going to speak on this motion, but so incensed was I by the words of the mover of the motion that I decided I simply had no option but to do so. When Ms Abigail Boyd said that this Government only pays lip-service to addressing climate change, when she said that this Government has taken no substantive action whatsoever to address climate change, she was simply and patently wrong. The Leader of the Opposition was more nuanced, as she always is, and entreated us to take strong and effective action on climate change. Let us go through exactly what this Government is doing to address climate change in ways that grow the economy, create jobs and reduce the cost of living at the same time.

Under *Net Zero Plan Stage 1: 2020-2030*, this Government is set to attract more than \$37 billion in investment while slashing emissions by 50 per cent below 2005 levels by 2030. We are currently implementing the Electricity Infrastructure Roadmap, which we spent day after day debating and which members opposite supported at every single step of the way. It will reduce New South Wales' electricity emissions by 90 million tonnes by 2030. We are decarbonising our transport sector. The Electric Vehicle Strategy will help to make New South Wales the best place in this nation to buy, own and run an electric vehicle. We have policies in train to rapidly scale up the use of low-emission materials in the construction industry. We are investing \$750 million under the Net Zero Industry and Innovation Program to support the development of new clean technologies, to create world-leading centres of research and development and to help existing industries futureproof their operations.

This Government is committed to creating jobs and opportunities for the people of regional New South Wales. Even today, as my learned colleague the Hon. Taylor Martin discussed, we released our hydrogen strategy, which will create up to 10,000 jobs in regional New South Wales over the next decade. It will ensure that regional communities have skilled and well-paying jobs in their towns for future generations. But it is not just that. The net zero plan and its related policies, including the Energy Infrastructure Roadmap, support another 9,000 jobs, mostly in regional New South Wales. This shows that we can do both things: we can get the environmental outcomes right and the economic outcomes right. By releasing the Electricity Infrastructure Roadmap, this Government is decisively taking control of our future and our energy system and is acting in the interests of the people of New South Wales and the generations to come.

**The Hon. EMMA HURST (18:39):** On behalf of the Animal Justice Party, I support the motion moved by Ms Abigail Boyd. While the world has been distracted by the COVID-19 pandemic, the climate emergency has continued to worsen. The Intergovernmental Panel on Climate Change report released on 9 August 2021 should be a wake-up call to everyone. Unless we take urgent, substantial action to reduce emissions now, we are not going to be able to limit global warming to 1.5 or even two degrees. We must move away from coal-fired power and towards clean, renewable energy. The fact that the New South Wales Government is continuing to approve new coalmine projects in 2021 is truly shocking and shows how out of touch this Government is with the latest science and the community, who desperately want action on climate change.

Animal agriculture is another major contributor to emissions that must be urgently addressed, but it is too often left out of the climate conversation. We need to radically transform our diet and food systems if we are going to meet our emissions target. The climate emergency threatens all of us—humans, animals and the environment. We cannot afford to ignore this issue and the Government must take action. I commend Ms Abigail Boyd for bringing this motion and I urge all members to support it.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:40):** The Hon. Taylor Martin and the Hon. Ben Franklin have spoken very eruditely in relation to this issue today. There is not much I can add. I will just address this: The Government will not be supporting the amendment.

**The Hon. Penny Sharpe:** You won't back in your own Minister.

**The Hon. DAMIEN TUDEHOPE:** This is a Minister whose actions do not need the support of those opposite for the manner in which he conducts his portfolio and delivers in relation to climate policy. In fact, it must be almost 12 months ago that we sat all through the night—I remember there was a quartet that became a duo in relation to numerous amendments. That was a Minister who drove through legislation for the future and benefit of this State in circumstances—

**The Hon. Penny Sharpe:** You won't back him.

**The Hon. DAMIEN TUDEHOPE:** He does not need this amendment to support him. His actions speak for the manner in which he supports combating climate change in this State and, in fact, I could not have put it—and no-one in this place could have put it—any better than the way Ben Franklin did so categorically.

**The Hon. Mick Veitch:** He's honourable; the Hon. Ben Franklin.

**The Hon. DAMIEN TUDEHOPE:** Sorry, the honourable. He is honourable. The Hon. Ben Franklin listed the achievements of this Minister and the way that he has delivered on an ongoing basis. We will not be part of a stunt. We will not be part of virtue signalling and the like, which this is all about—on the opposite side, it is words; on this side, it is doing. It is the same whether it is economic policy, climate policy, education policy—whatever you look at. On this side we do; those opposite talk. In many respects, the amendment is all about adding to the talk—and I will not talk for much longer. But the reality is that we will not be supporting the amendment and we will not be supporting the stunt that this is. I highlight one further thing. The fact that the Opposition was prepared to support a motion that contains a categorical error in relation to approval of coalmining, which was accepted by the Animal Justice Party, just goes to show how flawed this motion was.

**Mr JUSTIN FIELD (18:43):** I think there is broad agreement in the House, maybe with some small exceptions, that what we saw from the Intergovernmental Panel on Climate Change in its last report was truly frightening and that desperate action needs to be taken at a global level. Of course, we need to play our role in that. We have seen the seriousness with which global leaders have viewed the upcoming Conference of the Parties meeting—with maybe the exception in the developed world of the Australian Commonwealth Government. I acknowledge that, as a Coalition government in Australia, the New South Wales Government is a stand-out in both its rhetoric and its action when it comes to taking the steps needed to transition our energy sector and our economy to renewables.

The recent aspiration to reach 50 per cent reduction by 2030 is exactly what is needed and was an important distinction in the public debate that I think has put some pressure on the Federal Coalition Government, and I congratulate the Minister on that. But I note that there is an interesting clause in that document and, if The Greens in moving the motion were too critical, it was only to the extent that the arguments put by the Hon. Ben Franklin in support of the Government were overly optimistic, because there is a get-out-of-jail-free clause in the 50 per cent reduction by 2030 document. It says on page 28, hidden away but very clear, "The New South Wales Government policy, the objectives set out in this plan, is not to be considered in planning the assessment or determination of development and infrastructure applications under the EP&A Act 1979." Why might that be? What a curious thing to say in the document. It could be that a number of coal projects are due to be approved in this State in the next six to 12 months.

The scope 1 and 2 emissions—before we consider the scope 3 emissions—will be about 10 per cent of the reduction savings that were advertised in the Government's plan. What the Government is doing is making other sectors and industries do the heavy lifting to meet its targets. And that is before we consider the 90 million tonnes that have been approved just in this term of government in coal and gas projects—the opening up of Narrabri and the expanded north-west gas field. Of course, the Government is considering new exploration for coal. How is that a strategic assessment? How is it strategic to start a new greenfield coal sector in New South Wales and put another community in a situation where they face the challenge of transition, when we could be moving directly into a renewable energy future for those communities and not setting them back on a coal pathway?

That is before we consider the million tonnes a year of wood that is currently proposed to be burnt for electricity in the Hunter under the Redbank proposal. So on one side of the Government we have the right things being said, but still on the other side the Government is ensuring that this community is hamstrung by old technologies that are setting us back and undermining its own credibility on this issue.

**Mr DAVID SHOEBRIDGE (18:47):** I associate myself with each and every element of this motion brought by my colleague Ms Abigail Boyd, and I commend her contribution and that of Ms Cate Faehrmann in relation to this matter. Put simply, you cannot be serious about addressing climate if you are still willing to dig up hundreds of millions of tonnes of coal and endlessly explore for gas. That is the problem with both Labor's position and that of the Coalition today. They want to pretend they are serious about climate but they are ignoring all the evidence—from the Intergovernmental Panel on Climate Change and from every expert in the field, except for the fringe tin-hat ones that people like Pauline Hanson's One Nation Party rely upon. Everybody says that if you are serious about climate you have got to keep coal in the ground, you have got to keep the gas in the ground, and that is the fundamental failure from both the Coalition and the Labor Party. We will see how that plays out today.

**Ms ABIGAIL BOYD (18:48):** In reply: Thank you very much to everybody who contributed to the debate. I feel like the debates we are having on climate are still at times a bit silly but perhaps a little less silly than they have been in the past. In relation to the contribution from the Hon. Taylor Martin, as my colleague Ms Cate Faehrmann made very clear: Why explore if you do not intend to extract? I think it is really cruel for those communities who are now faced with this lurking idea that they will have coal extracted one day to say, "Oh yeah, but it will probably not happen." The Government is putting them through pain that they do not need to go through, which I think just makes it even worse.

When it comes to the amendment proposed by the Hon. Penny Sharpe, I completely understand the sentiment behind it. It is very interesting to have such an outspoken member of the Government who is apparently not supported by the rest of the party. I understand the desire to make that amendment. However, I did not move this motion as an opportunity for the Opposition and the Government to try to wedge each other and play political games. I moved this motion because I want climate to be on the agenda for this Parliament in a substantial way. This brings me to the Hon. Ben Franklin's very lively contribution that came out of his mind fresh onto the piece of paper he had in front of him. I understand that those within the Coalition may think they are doing really well. Admittedly, the bar in Australia is incredibly low. When it comes to climate action, I think New South Wales would be second in the country after the Australian Capital Territory. As I say, the bar is incredibly low.

The Coalition is two decades too late; it still only has plans with no action and the Intergovernmental Panel on Climate Change [IPCC] is telling the Coalition that its current plans still lead us to catastrophe. When I stand here and say that, in the view of The Greens and the IPCC, the Government is not taking the action we need on climate change, that is where I am coming from. I will quickly respond to some of the statements that were made by Pauline Hanson's One Nation's leader, the Hon. Mark Latham. I wonder sometimes if members cannot read when they make their contributions. However, it is very clear from our motion that we are talking about a job-for-job transition for workers in these communities. The Greens are not talking about leaving coal workers high and dry. We are talking about acknowledging that the writing is on the wall for coal, that these jobs are going to go and that we need to take actual action now to protect those communities with a job-for-job transition that provides some hope for the future. I commend the motion to the House.

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

**The House divided.**

Ayes .....13  
Noes .....26  
Majority.....13

**AYES**

Buttigieg (teller)	Mookhey	Searle
D'Adam (teller)	Moriarty	Secord
Donnelly	Moselmane	Sharpe
Graham	Primrose	Veitch
Jackson		

**NOES**

Banasiak	Franklin	Nile
Borsak	Harwin	Pearson
Boyd	Hurst	Poulos
Cusack	Khan	Roberts
Faehrmann	Latham	Shoebridge
Fang	Maclaren-Jones	Taylor

## NOES

Farlow  
Farraway (teller)  
Field

Mallard (teller)  
Martin  
Mitchell

Tudehope  
Ward

## PAIRS

Houssos

Amato

**Amendment negatived.**

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

**The House divided.**

Ayes .....6  
Noes .....29  
Majority.....23

## AYES

Boyd (teller)  
Faehrmann

Field  
Hurst

Pearson  
Shoebridge (teller)

## NOES

Banasiak  
Borsak  
Buttigieg  
Cusack  
D'Adam  
Fang  
Farlow  
Farraway (teller)  
Franklin  
Graham

Harwin  
Khan  
Latham  
Maclaren-Jones  
Mallard (teller)  
Martin  
Mitchell  
Mookhey  
Moselmane  
Nile

Poulos  
Primrose  
Roberts  
Secord  
Sharpe  
Taylor  
Tudehope  
Veitch  
Ward

## PAIRS

Amato

Houssos

**Motion negatived.**

*Bills*

**LOCAL GOVERNMENT AMENDMENT (COVID-19—ELECTIONS SPECIAL PROVISIONS) BILL  
2021**

**First Reading**

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

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

*Adjournment Debate***ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE:** I move:

That this House do now adjourn.

**TRANSPORT INDUSTRY LABOUR OUTSOURCING**

**The Hon. DANIEL MOOKHEY (19:06):** Thousands of transport workers at Toll, StarTrack, FedEx, Linfox and BevChain are currently undertaking stop-work action in their fight for their own job conditions and job security, as well as the job conditions and job security of all blue-collar workers. At Toll, the company proposed an enterprise agreement that would see 40 per cent to 50 per cent of work outsourced to lower-paid labour hire. At StarTrack, outsourcing work has become increasingly common—as high as 70 per cent at some yards—and the practice is threatening good, middle-class employee jobs at that company. It is the same story at FedEx, Linfox and BevChain: the creation of a second-grade workforce on lower pay and conditions, which will ultimately come at the expense of the working families of the transport industry.

These workers are already in Australia's deadliest industry. Nearly half of truckies know a driver killed on the job, according to a shocking new survey. Employee drivers revealed dangerous demands from their bosses to breach safety laws, with over a quarter pressured to work beyond legal hours and skip rest breaks, and one-fifth pressured to falsify logbooks that track driver fatigue. Over one-third have already worked more than 60 hours a week on average, and we know that decent pay for truck drivers means they do not have to work unsafe hours to make ends meet. It keeps them safe and it keeps all road users safe. But decent pay is also under attack—52 per cent of transport workers at those companies and elsewhere in the industry have reported that they have experienced wage theft, 68 per cent have not been paid for the work they have done and 43 per cent were underpaid minimum rates. This is notorious in the trucking industry, where so many truck drivers are not paid waiting time.

One-quarter of employee drivers have been ripped off by more than more than \$5,000, and one in three have experienced wage theft over 20 times. Only 22 per cent get their money back, and one quarter of them were out of pocket for over a year. These workers know that if they do not stand up for their safety and security now, these statistics will get worse. Transport workers have kept our country's supply chain and economy moving through the pandemic. They are the ones who have made sure that everybody has had access to their deliveries and that our shelves are stocked. It takes guts to stand up to a company like Toll or Linfox and it takes strength to walk off the job, but these workers know they have no choice. I am glad to hear that Toll has come to the table today and reached a settlement, but the imperative is now on other companies to follow suit. Good, stable jobs with secure pay and decent conditions ought not just be the province of office workers or others in white-collar professions. Blue-collar workers have every right to the same aspirations.

With the ascension of Dominic Perrottet as our Premier over the past week, now is an apt time to put on record how, as Treasurer, he allowed his agency, icare, to be run into the ground. The Premier founded icare in 2015. It started with a \$4 billion surplus, but after five years of Mr Perrottet's management it now has a \$300 million deficit. The finances of icare deteriorated so much that Mr Perrottet had to agree to a \$4 billion bailout, signed off with 23 minutes to spare, to ensure the scheme was solvent before the end of the last financial year. Mr Perrottet also allowed icare to become a Liberal Party fiefdom, billing icare \$700,000 to employ one of his political advisers who has close ties to the United States Republican Party. The Treasurer's own department found this arrangement unlawful.

But it does not stop there. icare spent \$26 million on contracts linked to Liberal Party donors and figures, in breach of the Government's own procurement rules. A tender for a \$360 million IT system for icare was open for just seven days, leading one of the bidders to pull out citing the rushed process as the reason. Of course, we cannot forget that the former icare CEO's wife was paid \$770,000 to work for icare without a tender. Mr Perrottet should have known about these scandals. After all, the public service had expressed concerns about icare's direct line to the Treasurer, which allowed it to bypass the ordinary checks and balances of government. But instead of tackling icare's horrendous culture, Mr Perrottet stood by as the new CEO he appointed to get this organisation fixed received a \$120,000 pay rise. Mr Perrottet voted to block Labor's proposal to ban bonuses at icare. If you cannot trust this Premier to run a workers compensation scheme, you certainly cannot trust him to run a State and an economic recovery.

**COVID-19 AND SCHOOL STUDENT MENTAL HEALTH**

**The Hon. MARK BANASIAK (19:11):** Earlier today I touched on the trauma being experienced by many residents, particularly in the local government areas of western and south-western Sydney that were disproportionately affected during the last lockdown. For weeks on end, people in those affected areas were



subjected to a military-style lockdown, with helicopters hovering overhead, unlike their fellow citizens on the northern beaches and in the eastern suburbs, who were rewarded with a laissez-faire lockdown. Who could forget those pictures beamed across this country of thousands of people falling over one another on Bondi Beach, and our North Shore health Minister vainly trying to defend their actions, arguing that they were all social distancing? The health Minister and the spin doctors around him must have impaired vision.

While I would enjoy nothing more than to stand here and absolutely unload on the Minister and the failures across many portfolios, including the *Ruby Princess* fiasco, I want to touch on another aspect of the COVID-19 lockdown. As a former teacher and deputy principal and someone who takes an incredible amount of interest in the education and upbringing of our children, I am shocked and disappointed at the Government's belated consideration of the mental health impacts on schoolchildren during lockdown. I do not need to hear from paid spin doctors to tell me what the mental health impacts would likely be on our children during a prolonged lockdown period. We definitely do not need to hear from KPMG, which was recruited by this Government once again to consult with teachers and the community on a return-to-school plan. It is insulting to taxpayers that the Government spends \$2 billion on the senior levels of bureaucracy within the education department only then to also pay spin doctors at KPMG.

The COVID-19 lockdowns have profoundly altered the lives of children and young people. Some are being disadvantaged and held back for any number of reasons. Not every child is afforded the same opportunity when forced into home learning. We have effectively created an unlevel playing field. While some schoolchildren may excel within a classroom because they have someone to mentor them, this may not apply in the home setting. For months now, children have also been isolated from their friends. They have effectively been locked up in home detention by this Government. Would anyone seriously argue that such draconian lockdowns would not have any sort of impact on people, let alone younger people? Did the Government think about this before its propaganda machine started churning out catchy phrases like "health advice"? Did the Government think about communicating clearly and effectively with younger people about the pandemic by taking into account their perspective? I do not believe it has.

Younger people have clearly been under-represented in these discussions. It was not until weeks into the lockdown that the Government took any action regarding the mental health impacts, after media reports started surfacing. While schoolchildren can go out now, they are yet to return to the classroom. I have been a member of this place for several years and I would like to believe the education department has a plan that will deal with the many problems that will inevitably arise among our schoolchildren from the prolonged lockdown period. Unfortunately, I think I will be wrong. Schoolchildren belong in the classroom. They should be growing up with their friends and enjoying life. It is disheartening to hear that so many parents are taking their children to see psychologists because they are struggling to deal with these lockdowns. The wellbeing of our kids should be front and centre for any government. This Government has abysmally failed our younger generation.

On another matter, I listened to my learned colleague the Hon. Wes Fang speak in this House earlier today about the "light at the end of the tunnel". He forgot to mention that it was his own Government that locked us down and not only divided this city but also is now causing division among citizens throughout the regions, between the vaccinated and the unvaccinated. The Hon. Wes Fang is factually incorrect when he says there is a light at the end of the tunnel. There is no light at the end of this tunnel as long as the Government continues to play politics with this health crisis and to cause divisions among people within our society.

### NUCLEAR-POWERED SUBMARINES

**The Hon. LOU AMATO (19:15):** Via video link: During World War II the Allies faced a dreadful foe on the open seas—the German U-boat—that seriously disrupted the transportation of people and supplies meant for the war effort. Locating and destroying Allied naval and merchant shipping was achieved by what the Germans called "hunting in wolf packs". By using stealth and concentrating firepower in packs, the U-boat was a terrifying weapon of war. During the initial stages of the war, the U-boat posed a threat that the Allies were unable to mitigate successfully. Though the U-boat was a formidable weapon, it had a weakness: It was powered by diesel fuel, which charged its onboard battery-powered systems. This weakness was eventually exploited by the Allies, as they understood that when the U-boat was submerged it used extensive battery power and could not travel at a respectable speed.

The U-boat needed to surface to recharge its batteries by running its diesel engines, which produced poisonous exhaust fumes. To catch up to a convoy of Allied vessels, a U-boat had to surface and run on diesel power, effectively making the craft visible. Once the great weakness of the U-boat was discovered, the Allies developed anti-U-boat aircraft equipped with high-powered searchlights to seek out and destroy the temporarily surfaced and disabled U-boats as they recharged their batteries at night. New radar was invented to successfully identify incoming U-boats. By the end of World War II, the U-boat was no longer the big threat it once was. Indeed, being a crew member on a U-boat meant almost certain death as the Allies mounted counterattacks,

sinking U-boats like lead sinkers. All of this was due to the inherent weakness of diesel electric-powered submarines.

Fast-forward to 2021 and Australia is still equipped with the much-maligned Collins class submarine. Sure, a few technological advancements over the German U-boat have been fitted to the Collins class. However, it still remains a World War II, diesel electric submarine with all the weaknesses the Allies exploited over 80 years ago. One can only have increased admiration for our Prime Minister, Scott Morrison, for having the courage and foresight to cancel Australia's submarine deal with France. Sadly, previous administrations failed to acknowledge the need for nuclear-powered submarines. In a sensible move that will bolster our national security, Australia will finally get with the program and acquire nuclear-powered submarines under the AUKUS agreement.

True to form, when news of the AUKUS agreement surfaced the left-wing, inner-city elites immediately spilled their soy lattes in a mad effort to run directly to their safe spaces. The Greens, predictably, have opposed the plan only because it is smart and smart things should never be supported. But The Greens should relax, as nuclear power is being used by their best mates in communist regimes—regimes that are at present increasing hostility towards our nation. All sarcasm aside, let us look at the positives for building nuclear-powered submarines. Nuclear-powered submarines can stay submerged for up to four months at a time, undetected by a potential enemy. The nuclear reactor can power the vessel for over 20 years per refuelling. Nuclear-powered submarines drastically increase our defence capabilities. The current arsenal of Collins class submarines would be incapable of mounting anything other than a suicide mission if they were ever needed to actually engage in active defence against more technologically advanced naval vessels.

Nuclear-powered submarines do not emit vast quantities of carbon dioxide into the atmosphere, unlike diesel-powered submarines. The submarines will be nuclear powered, not nuclear armed. The new submarines will contain conventional weapons designed only for the immediate defence of our nation. The AUKUS agreement means we will build the submarines in Australia, providing thousands of manufacturing jobs and increasing our technological know-how. The submarines will be built in South Australia, but many fabrication facilities across Australia, including New South Wales, will be given the opportunity to tender for parts production. Considering manufacturing facilities are already fabricating specialist parts for the Australian Defence Force, we expect increased opportunities for New South Wales.

The AUKUS agreement is a win for our nation. Not only will our defence capabilities be substantially upgraded but also our manufacturing ability will rise to a level only the smart nations possess. I commend the Federal Coalition Government for putting Australia first and for supporting our comeback as a technologically advanced nation, committed to reinvigorating our manufacturing capabilities.

### **PUBLIC INFRASTRUCTURE PROJECTS**

**The Hon. PETER PRIMROSE (19:19):** The Government has repeatedly stated that its plan for New South Wales to emerge stronger from these times of drought, fires, floods and a global pandemic is to build our way out. To reinforce this idea, the Government announced over \$107 billion in the 2020-21 budget for major public infrastructure and over \$108 billion in this year's budget. Since those announcements were made I have repeatedly asked how the New South Wales Liberal-Nationals Government intends to deliver on those infrastructure projects, and especially how it will do it on budget and on time, given the readily foreseeable shortages of building materials and skilled tradespeople that we are now experiencing. Between the fires and consequent difficulty of securing local timber for building materials, the price of iron going down and Australia's limitations in steel manufacturing, and the massive undersupply of skilled construction tradespeople, the limitations are clear for everyone to see.

How can we base our economic recovery program on construction when there are already major supply problems with construction materials and with the skilled workers needed to undertake that construction? I have previously raised in this Parliament—but received no response—that a key component missing from the New South Wales Government's bushfire recovery plan is the analysis of the timber industry's short-, medium- and long-term economic impact, given the need for timber in the construction industry. I have also previously raised the current and future shortage of skilled construction and building workers caused in part by the dismantling of our TAFE system and the failure to train sufficient apprentices and trainees—again, no response from the Government. The release of Infrastructure Australia's *Infrastructure Market Capacity* report into Australia's investment in public infrastructure projects brings the skills shortage into sharp focus. Infrastructure Australia states:

Shortages are expected in skills, labour and materials.

Demand for plant, labour, equipment and materials will be two-thirds higher than the previous five years.

The peak demand for skills is 48% higher than supply.

Signs of shortages are already prevalent across the workforce, with demand anticipated to reach unprecedented levels—well beyond the sector's ability to service them. With Infrastructure Australia pointing out that there will be major public infrastructure investment in Australia and across all jurisdictions worth over \$218 billion over the next five years, there is clearly a problem. The most recent New South Wales budget provided approximately \$108 billion of that public investment over four years, so we should be taking this problem very seriously in this State. This problem cannot be addressed by simply re-announcing an increase in investment in major public works infrastructure.

Already the New South Wales public have seen how the Liberal-Nationals Government deals with difficulties in sourcing materials and skilled tradespeople for projects. For example, the CBD and South East Light Rail ran \$1.5 billion over budget and was delayed well after its expected operational date. The Sydney Metro City & Southwest has ballooned out by about \$4.5 billion, and it is not known whether it will be delivered on time. In relation to the Sydney Metro City & Southwest project's budget overruns, revealed in early 2020, then Minister Mr Andrew Constance's response was simply:

I am sorry it happened this way but it is very much market forces at play in terms of the build. We are not denying there hasn't been significant cost pressures on the project.

...

There has been an overheated infrastructure market for contractors.

I did not believe that excuse then, and I most certainly will not believe it now. The Government knows it has a problem; it is eminently foreseeable. It is here now, and it will get worse. Those opposite are basing their whole economic strategy on construction, so will they please tell us how they will manage it?

#### NATIONAL CARERS WEEK

**The Hon. WES FANG (19:24):** We are blessed to have 850,000 carers across our State, and this week marks an occasion to acknowledge and celebrate their tireless efforts. National Carers Week is running from 10 October through to 16 October with the theme of "Millions of Reasons to Care", which aims to bring attention to and showcase the work of some 2.65 million carers Australia-wide. Carers make an enormous contribution to our community and provide unpaid help to someone who needs support due to disability, mental illness, dementia, frail age or chronic illness. Some people may not identify themselves as carers and may be reluctant to ask for or receive help. In conjunction with the New South Wales "It's Caring" campaign, this week seeks to raise awareness about the roles of carers and to encourage access to the resources available to them. Of particular note is the Carer Gateway, which will connect people to a service provider in their area. A trained worker will be available to talk with them and help them find services and support to meet their needs.

The gateway also offers counselling, in-person and online peer support, respite care options, coaching, skills courses and information on financial help. There is a wealth of information via this gateway, and I would encourage carers and those in a caring role to access this resource and find out the help that is available to them. One in five carers in New South Wales comes from a culturally or linguistically diverse community, and this campaign is about making sure that they know where to turn to access services and support. Rolled out in 10 different languages, the campaign aims to remove barriers to information, to increase awareness about support available and to send a message that help is available to our wonderful carers across multicultural communities. The support of carers has never been more important than throughout the pandemic. While the caring role can be a rewarding one, it is often very demanding.

Navigating mental health and suicide, especially in younger people and those with the added challenges faced in regional New South Wales, is a difficult task for anyone. It is imperative we support our communities in these tough times. To support our State's carers, parents and community members, the New South Wales Government funded free mental health workshops, hosted by headspace, to help parents and carers better understand the unique challenges facing young people and how to access appropriate support. Those online sessions help our State's carers strengthen their understanding of mental health and the warning signs for suicide and self-harm; give them the skills to cope and tell them where to find help; build awareness of local services and the various support services available; and improve relationships between local area mental health services, local schools, headspace centres and other community organisations. The sessions, which were region specific, gave everyone in the community the opportunity to learn more about the experiences of young people so they can be supportive of the children in their lives as well as becoming strong advocates for positive mental health in the community.

By improving mental health literacy in the community in areas such as recognising danger signs, learning shareable coping skills and accessing local support services, we are giving carers the tools they need to start a conversation with their loved ones or friends and begin on the path to better wellbeing. I am pleased that the sessions in the Riverina were so well received, especially in Griffith and Wagga Wagga. This week marks our

opportunity to say thank you. I thank the carers in New South Wales and across Australia who help our citizens in need. We, in turn, can help our carers by raising awareness this week of the diversity of carers and caring roles and of the resources available to them. Our carers play an enormous role in all of our communities, and this week is about acknowledging their tremendous work and dedication.

### ANIMAL WELFARE LEGISLATION

**The Hon. ROBERT BORSAK (19:28):** The *NSW Animal Welfare Reform Discussion Paper* is physical proof of The Nationals cutting deals with the Animal Justice Party and the member for Sydney, Mr Alex Greenwich. In July this year the Government released the discussion paper in the dead of night and with little fanfare. As part of the Government's NSW Animal Welfare Action Plan, the discussion paper sets out the framework for policy and legislation, and for how the Government will "streamline and strengthen animal welfare laws" and "make them easier to understand and follow." That really means that through legislation and policy New South Wales is moving from an animal welfare perspective to an animal rights agenda. That will add a lot of new legal uncertainty for farmers. After drought, bushfires, floods, mouse and locust plagues, intrusive government regulation of their land and uncertain local and overseas markets, legal uncertainty over animal welfare practices is something farmers could do without, particularly when animal welfare is nothing new to farmers. It has been essential to animal agriculture for centuries. The buzzwords have changed, but most farmers know it as animal husbandry, and it is central to their farming practices.

In a world where we have mastered survival and have little to worry about in terms of food supply, it is no wonder a disconnect has occurred between what we eat, where that food comes from and what standards are applied to the food production systems we rely on. Animal industries are in the sights of animal activists, bureaucrats and now animal justice regulators and legislators whose vote can tip the balance of power. I remind the Government that the votes of other members of this House can also make a difference. The changes are being recommended because of the underlying assumptions that farmers and farming practices are inherently cruel because animals are bred for food and fibre; that farmers cannot be trusted to keep their animals free from hunger, thirst, disease, injury, pain and suffering; that current laws preventing cruelty to animals are inadequate; and that the abuse of farm animals is so heinous and frequent that a massive intervention is required.

It is important to note that there is no such thing as a pain-free existence for humans and animals. There is also little understanding of the aggressive and cruel tendencies of animals in herds that exist within and outside animal agriculture practices. There is little to no understanding about animal welfare as a holistic and full-life approach. For example, the mulesing and tailing process is not painful when done professionally and properly, yet to not mules or remove tails in young sheep will condemn them to flystrike, maggot infestation, putrefying sores, pain, disease and eventually death. To not mules and tail is the proper definition of cruelty. The animal welfare overhaul will see farmers receive heavy fines and even jail sentences for conducting what is essentially an act of kindness to their animals. That will be enabled through the Five Freedoms and Five Domains models of animal welfare. The Five Freedoms are: one, freedom from hunger and thirst; two, freedom from discomfort; three, freedom from pain, injury and disease; four, freedom to express normal behaviour; and, five, freedom from fear and distress.

The Five Domains are nutrition, environment, health, behaviour and mental state. Under the new laws, the farmer will have an absolute obligation not to allow any breach of all of those. The Five Domains model contains the five elements of the Five Freedoms, but it explores the mental state of the animal in detail. The RSPCA states:

One of the most important strengths of the Five Domains is the clarity it provides that merely minimising or resolving negative physical or mental states does not necessarily result in positive welfare, but may only provide, at best, a neutral state. To have good welfare, animals need more than this.

Am I to understand from that that it may not be enough even if a farmer minimises and resolves the animal welfare issue? There is no clarity and The Nationals' agenda is clear: a deal with the Animal Justice Party and Mr Alex Greenwich trumps everything else. The case for rewriting the Prevention of Cruelty to Animals Act laws as animal rights laws has not been made at all. The current laws are more than adequate and deal appropriately with cruelty offences when detected. Without healthy and happy farm animals, there cannot be healthy farming communities. Without those farming communities, there cannot be healthy city and suburban communities. It is that simple.

### AUSTRALIAN FEDERATION OF ISLAMIC COUNCILS ZOOM EVENT

**The Hon. WALT SECORD (19:33):** As the shadow Minister for Police and shadow Minister for Counter Terrorism, I support local Muslim leaders who have spoken out this afternoon about a Zoom event to be hosted on Saturday 16 October at 5.30 p.m. by AFIC, the Australian Federation of Islamic Councils, involving the Islamic Emirate of Afghanistan. Two Taliban representatives from Kabul will be part of the event. The event is absolutely irresponsible. It looks and reads like a road map to radicalisation. I am absolutely disgusted that any organisation in Australia would provide a platform for the Taliban and its primitive views. Make no mistake, this event is

absolutely irresponsible and downright stupid. *The Daily Telegraph* and *The Sydney Morning Herald* have reported on it. *The Sydney Morning Herald* pointed out that local Muslim representatives are angry about AFIC hosting the event. Last month, Cricket Australia cancelled the Afghanistan cricket team's test match tour of Australia due to the Taliban's refusal to allow women to play cricket. That was a principled stand against the views of the Taliban. This irresponsible event has no place in Sydney. I call on the Perrottet and Morrison governments to shut it down.

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

**Motion agreed to.**

**The House adjourned at 19:35 until Thursday 14 October 2021 at 10:00.**